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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL,

Petitioners,

vs.

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,

Respondent.

Case No: 5:07-CV-05158-JF

**DECLARATION OF EILEEN R.  
RIDLEY IN SUPPORT OF  
STANFORD HOSPITAL & CLINICS  
and LUCILE PACKARD  
CHILDREN'S HOSPITAL'S  
MOTION TO CONTINUE  
DEADLINE TO FILE/HEAR  
DISPOSITIVE MOTIONS**  
[Local Rules 6-1 and 6-3]

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner and Counter-  
Respondent,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents and Counter-  
Petitioners.

Case No: 5:08-CV-00213-JF

Judge: Hon. Jeremy Fogel

**RIDLEY DECLARATION SUPPORTING HOSPITALS' MOTION TO CONTINUE DEADLINE TO  
FILE/HEAR DISPOSITIVE MOTIONS**

CASE NOS. 5:07-CV-05158-JF, 5:08-CV-00213-JF, 5:08-CV-00215-JF;  
5:08-CV-00216-JF; 5:08-CV-01726-JF; 5:08-CV-01727-JF

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00215-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00216-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01726-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01727-JF

Judge: Hon. Jeremy Fogel

1 I, Eileen R. Ridley, declare as follows:

2 1. I am a partner with the law firm of Foley & Lardner, LLP, counsel for  
3 STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S  
4 HOSPITAL (the "HOSPITALS") in the above-referenced Actions. I am one of the  
5 attorneys with primary responsibility for representing the HOSPITALS in these Actions.  
6 All of the matters stated within this declaration are within my personal knowledge, and I  
7 am fully competent to testify as to each of these matters if called upon to do so.

8 2. The Court conducted a Case Management Conference on April 25, 2008  
9 during which proceeding the Court [a] permitted the HOSPITALS to conduct discovery  
10 regarding the existence of SERVICE EMPLOYEES INTERNATIONAL UNION,  
11 LOCAL 715 ("SEIU, LOCAL 715" or "Local 715"), its representative capacity and the  
12 use of its resources and [b] set the hearing and filing dates for dispositive motions. The  
13 deadline to file dispositive motions was set for July 18, 2008. A true and correct copy of  
14 the transcript of that Case Management Conference is attached hereto as Exhibit "A"  
15 [Dkt. #40]; see p. 15, ll. 2-11.

16 3. On May 13, 2008 the HOSPITALS served SEIU Local 715 with a set of  
17 Requests For Production specifically aimed at the topics of Local 715 existence, its  
18 representation, and the use of its resources. These requests concerned the institution of a  
19 trusteeship over Local 715 by the International, the use of a Servicing Agreement  
20 between Local 715 and SEIU-UHW, and the channeling of resources held by Local 715  
21 (including dues) to other entities such as SEIU-Local 521 (whose website actually  
22 included information regarding SEIU Local 715's dues and expenses). The HOSPITALS  
23 issued these document requests in each of the related cases and within twelve (12) days  
24 of the Court's Case Management Conference. A true and correct copy of one of these  
25 document requests is attached hereto as Exhibit "B". The requests are virtually identical  
26 in each of the related Actions.

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4. In addition to the requests for documents sent to SEIU-Local 715, the HOSPITALS also served subpoenas on the International (as it instituted the trusteeship over SEIU – Local 715) which is located in Washington, D.C., SEIU-UHW (which maintained a Servicing Agreement with SEIU- Local 715), and SEIU-Local 521 (which received information regarding SEIU-Local 715’s resources (including dues) as reflected on its website). These subpoenas were also issued in each of the related cases and a true and correct copy of one set of these subpoenas is attached hereto as Exhibit “C”.

5. The HOSPITALS are working with the International regarding its production of documents per the subpoena issued to it which is anticipated to occur shortly. A true and correct copy of the communications between counsel for the International and the HOSPITALS is attached hereto as Exhibit “D”.

6. Both SEIU-UHW and SEIU-Local 521 are represented by the same counsel who represents SEIU-Local 715. Both these entities have simply written a letter to object to the subpoenas as a whole (not to the individualized requests) and have failed to produce any documents. True and correct copies of the correspondence regarding these entities’ response to the subpoenas is attached hereto as Exhibit “E”.

7. The HOSPITALS also issued deposition notices and/or subpoenas for five (5) witnesses who have relevant information regarding the subject matters about which the Court has permitted discovery to be conducted. True and correct copies of these notices and subpoenas are attached hereto as Exhibit “F”.

8. The individuals to be deposed include Andrew Stern – the president of the International and the person who placed SEIU-Local 715 in trusteeship. Mr. Stern is said to be unavailable for deposition until after July 20, 2008. A true and correct copy of the communications between counsel regarding the International’s response to the Hospitals’ discovery requests is attached hereto as Exhibit “G”. In addition, the HOSPITALS wish to depose Mr. Bruce Smith – who is the trustee of SEIU-LOCAL 715. Counsel for Local 715 at first refused to produce Mr. Smith and is now suggesting deposition dates on the



1 eve of the deadline to file dispositive motions. A true and correct copy of the  
2 correspondence between counsel regarding Mr. Smith's deposition is attached hereto as  
3 Exhibit "H".

4 9. The HOSPITALS have also sought the deposition of Ms. Myriam  
5 Escamilla (the assistant to the trustee of SEIU-Local 715 who has information regarding  
6 the use of Local 715's resources and its trusteeship and who has been identified as a  
7 witness for SEIU Local 715). Ms. Escamilla is presently evading service. True and  
8 correct copies of correspondence regarding Ms. Escamilla is attached hereto as Exhibit  
9 "I".

10 10. The HOSPITALS have also requested the deposition of Mr. Greg Pullman  
11 (a former employee of Local 715 and is now apparently employed by the International)  
12 and Ms. Kristy Semersheim (who was the Executive Secretary for Local 715) both of  
13 whom have information regarding the subject matter of the case. True and correct copies  
14 of the correspondence regarding these depositions is attached as Exhibit "J".

15 11. SEIU-Local 715 requested an extension to respond to the requests for  
16 production served upon it up to and including June 23, 2008 which was granted.  
17 However, despite this extension, the Local 715's responses consist of boilerplate and  
18 unfounded objections and a minimal production of thirty-four (34) pages of documents.  
19 A true and correct copy of SEIU-Local 715's responses are attached hereto as Exhibit  
20 "K" (one set of responses is attached but each response in each of the six related cases is  
21 virtually identical.) True and correct copies of the correspondence between counsel  
22 regarding these responses is attached as Exhibit "L".

23 12. Given the status of the pending discovery, the HOSPITALS requested that  
24 the hearing date and deadline to file dispositive motions be continued. SEIU Local 715  
25 refused to stipulate to such a continuance and informed the HOSPITALS of that fact on  
26 the evening of July 1, 2008. No previous request for a continuance has been submitted to  
27 this Court or SEIU-Local 715. True and correct copies of the communications between  
28


1 counsel regarding the requested extension are attached hereto as Exhibit "M".

2 13. The HOSPITALS would be substantially harmed and prejudiced if they  
3 were required to file dispositive motions in this Court prior to the completion of  
4 discovery for a number of reasons. First, the pending discovery requests are all directed  
5 to the central issues in this case – the existence and operational capacity of SEIU-Local  
6 715, the use of its resources, and its representative capacity. Thus, it is prejudicial to  
7 require the HOSPITALS to submit incomplete motions when pertinent discovery is  
8 pending. Second, SEIU-Local 715 and its counsel are engaged in a concerted effort to  
9 evade providing substantive discovery responses regarding the subject issues. Indeed,  
10 this same tactic was used by SEIU-Local 715 in an action it initiated against the  
11 HOSPITALS before the NLRB and that matter was recently dismissed *due to Local*  
12 *715's refusal to respond to discovery requests*. A true and correct copy of the letter  
13 regarding the NLRB matters and the basis for dismissal is attached hereto as Exhibit "N".  
14 It would be severely prejudicial to permit one party to stonewall discovery in an effort to  
15 force the opposing party to file a dispositive motion without evidence which should have  
16 properly been provided. Third, there are pending depositions which should be  
17 completed. However, Local 715 and its counsel have either refused to produce these  
18 witnesses or have stated that their availability for deposition proceedings is either on the  
19 eve of or after the deadline to file dispositive motions. Fourth, the requested continuance  
20 will not effect any other court deadline (as no trial date has been set) and is the first  
21 continuance requested. Finally, Local 715 is not prejudiced by the requested continuance  
22 given the facts that it is Local 715's actions (and that of its counsel) which have caused  
23 any "delay" in the discovery process.

24 14. Counsel for the HOSPITALS and Local 715 are conferring  
25 regarding the pending discovery disputes, however if these issues cannot be resolved, the  
26 HOSPITALS will file motions to compel next week.

27 ///

1 I declare, under the penalty of perjury under the laws of the United States of  
2 America, that the statements made herein are true and correct. Executed this Second day of  
3 July, 2008 in San Francisco, California.

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6 EILEEN R. RIDLEY  
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**RIDLEY DECLARATION SUPPORTING HOSPITALS' MOTION TO CONTINUE DEADLINE TO  
FILE/HEAR DISPOSITIVE MOTIONS**

CASE NOS. 5:07-CV-05158-JF, 5:08-CV-00213-JF, 5:08-CV-00215-JF;  
5:08-CV-00216-JF; 5:08-CV-01726-JF; 5:08-CV-01727-JF

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SERVICE EMPLOYEES ) CV-07-5158-JF  
INTERNATIONAL UNION, )  
LOCAL 715, ) SAN JOSE, CALIFORNIA  
)  
PETITIONER, )  
) APRIL 25, 2008  
VS. )  
)  
STANFORD HOSPITAL AND ) PAGES 1-17  
CLINICS & LUCILE PACKARD )  
CHILDREN'S HOSPITAL,  
RESPONDENT.

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: WEINBERG, ROGER & ROSENFELD  
SEIU BY: BRUCE HARLAND  
1001 MARINA VILLAGE PKWY.  
STE 200  
ALAMEDA, CA 94501

FOR THE DEFENDANT: FOLEY & LARDNER  
STANFORD HOSPITAL BY: EILEEN RIDLEY  
LUCILE PACKARD ONE MARITIME PLAZA, 6TH FL  
SAN FRANCISCO, CA 94111

OFFICIAL COURT REPORTER: SUMMER CLANTON, CSR,  
CERTIFICATE NUMBER 13185

1 SAN JOSE, CALIFORNIA

APRIL 25, 2008

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENED AND THE  
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE COURT: ALL OF THE SEIU, WHICH I  
6 BELIEVE ALL HAVE THE SAME NAME. SEIU VERSUS  
7 STANFORD HOSPITAL AND CLINICS.

8 MR. HARLAND: GOOD MORNING, YOUR HONOR.  
9 BRUCE HARLAND FOR SEIU LOCAL 715.

10 MS. RIDLEY: GOOD MORNING, YOUR HONOR.  
11 EILEEN RIDLEY, FOLEY AND LARDNER, ON BEHALF OF  
12 STANFORD HOSPITAL AND LUCILE PACKARD CHILDREN'S  
13 HOSPITAL.

14 THE COURT: OKAY. WE ACTUALLY HAVE A  
15 COUPLE OF DIFFERENT THINGS GOING ON. I DID RELATE  
16 ALL THE CASES AND THERE SHOULD BE NO  
17 MISUNDERSTANDING. I DIDN'T CONSOLIDATE ANYTHING.  
18 I'M TREATING THEM AS SEPARATE CASES, BUT I  
19 CONCLUDED THERE IS ENOUGH OF AN OVERLAP AMONG THE  
20 DISPUTES THAT IT WOULD BE APPROPRIATE FOR ONE JUDGE  
21 TO HANDLE THEM.

22 I GUESS MY QUESTION IS WHETHER WE ARE IN  
23 A POSITION TO SET ANY TYPE OF SCHEDULE OR WHETHER  
24 WE SHOULD TRY TO GET EVERYONE TOGETHER FOR A SINGLE  
25 ADR PROCEDURE OR WHAT THE APPROPRIATE NEXT MOVE IS



1 AT THIS POINT.

2 MR. HARLAND: YOUR HONOR, THIS IS  
3 BRUCE HARLAND. I DON'T THINK ANY ADR IS GOING TO  
4 BE HELPFUL IN THIS SITUATION.

5 WHAT I WOULD PROPOSE IN THE RELATED CASE,  
6 051 -- OR, 5158 -- WE AGREED AT THE LAST CASE  
7 MANAGEMENT CONFERENCE TO FILE A DISPOSITIVE MOTION  
8 IN THAT MATTER BY JUNE 20TH.

9 THE COURT: OKAY.

10 MR. HARLAND: AND THAT'S A PETITION TO  
11 VACATE FILED BY STANFORD HOSPITAL. 213, BEFORE YOU  
12 TODAY, IS A PETITION, PART OF AN ARBITRATION AWARD,  
13 WHICH IN THE UNION'S OPINION IS JUST A STRAIGHT  
14 LEGAL ISSUE. I WOULD PROPOSE HAVING 505 ON JUNE  
15 20TH.

16 THE COURT: BASICALLY JUST SET A MOTIONS  
17 DATE FOR ANY MOTIONS ANYONE WANTS TO FILE IN ANY OF  
18 THE RELATED CASES?

19 MR. HARLAND: YEAH. BEFORE JUNE 20TH. I  
20 DON'T THINK THERE'S ANY NEED IN THESE CASES,  
21 BECAUSE THERE'S JUST A PURE LEGAL ISSUE, ANY NEED  
22 TO DO DISCOVERY.

23 THE COURT: OKAY. I SEE COUNSEL SHAKING  
24 HER HEAD, SO PERHAPS I SHOULD HERE FROM HER.

25 MS. RIDLEY: A COUPLE OF POINTS WITH

1 REGARD TO THAT.

2 ONE, THE CASES MOST RECENTLY RELATED,  
3 WE'VE NOT EVEN APPEARED YET, AND WE THINK THEY ARE  
4 SURFACE ISSUES WITH REGARD TO THOSE. THE SURFACE  
5 ISSUES CAN BE RESOLVED MUCH LIKE THE OTHER ISSUES  
6 BUT THEY ARE IN A DIFFERENT STATUS.

7 SECOND, THERE'S DIFFERENT ISSUES FROM THE  
8 CASE -- THE FIRST FILED CASE FROM THE RELATED CASES  
9 THAN THE OTHERS AS WE'VE DISCUSSED, BUT ONE OF THE  
10 MORE IMPORTANT ISSUES IS THE STATUS OF LOCAL 715,  
11 THE ISSUES OF RESOURCES, AND THE REPRESENTATIVE  
12 CAPACITY. THOSE HAVE TO BE SUBJECT TO SOME  
13 DISCOVERY WHICH WE BELIEVE HAS TO BE DONE. AND  
14 GIVEN THE JUNE 20TH DATE, I DON'T KNOW WE HAVE  
15 ENOUGH TIME.

16 THERE ARE SIGNIFICANT ISSUES WITH REGARD  
17 TO WHAT'S GOING ON WITH REGARD TO WHO IS  
18 REPRESENTING THAT LOCAL, WHETHER IT EXISTS, AND  
19 WHETHER RESOURCES HAVE BEEN SENT.

20 THE COURT: HOW QUICKLY WILL IT TAKE TO  
21 DO THAT?

22 MS. RIDLEY: I ANTICIPATE, WITH REGARD TO  
23 DISCOVERY, IS SOME DOCUMENT PRODUCTION, POSSIBLE  
24 REQUEST AND A POSSIBLE DEPOSITIONS.

25 THE ISSUE REALLY GOES TO A VERY DISCREET

1 CONCERN WITH REGARD TO THE RESOURCES AND  
2 REPRESENTATION.

3 THE COURT: RIGHT, WHO ARE YOU DEALING  
4 WITH.

5 LET ME GET COUNSEL TO RESPOND.

6 MR. HARLAND?

7 MR. HARLAND: SURE. I THINK IT WILL  
8 TAKE -- IT WILL BE SIGNIFICANT DISCOVERY BASED ON  
9 THE PAST RELATIONSHIP BETWEEN THE PARTIES.

10 NUMBER TWO, I DON'T THINK YOU NEED ANY OF  
11 THAT INFORMATION, OR THEY NEED ANY OF THAT  
12 INFORMATION TO ARGUE A PETITION TO CONFIRM AN  
13 ARBITRATION AWARD OR EVEN A PETITION TO COMPEL  
14 ARBITRATION.

15 THE COURT: YOU'RE SAYING WE CAN SET THE  
16 MOTION SCHEDULES ON THE ARBITRATION CASES QUICKLY,  
17 AND THEN THE OTHER MATTER HAVING TO DO WITH WHO IS  
18 BARGAINING WITH WHOM CAN BE WORKED OUT IN A SLOWER  
19 TIME FRAME.

20 MR. HARLAND: WHAT I WOULD SUGGEST IS WE  
21 BE ALLOWED TO BRING THE MOTION BY JUNE 20TH BY ALL  
22 THE CASES EXCEPT FOR THE TWO THAT HAVE JUST BEEN  
23 RELATED. I GUESS --

24 THE COURT: ALL RIGHT. LET ME HEAR FROM  
25 STANFORD AS TO WHY THAT'S NOT APPROPRIATE.

1 MS. RIDLEY: THEY ARE TRYING TO COMPEL AN  
2 ARBITRATION BASED ON AN ENTITY AND A SERVICING  
3 AGREEMENT THAT WE'VE REJECTED, WITH REGARD TO  
4 COUNSEL, WHO HASN'T CLARIFIED WHO THEY ARE  
5 REPRESENTING, AN ENTITY THAT MAY NOT IN FACT EXIST.

6 THE COURT: WOULD ANY OF THAT GO TO THE  
7 ENFORCEABILITY OR THE LEGALITY OF THE ARBITRATION  
8 AWARDS IN QUESTION?

9 MS. RIDLEY: YES, YOUR HONOR. AND WE  
10 THINK THAT'S ONE OF THE ISSUES INCLUDING -- FOR  
11 INSTANCE, IN THE FIRST CASE THAT EVERYTHING IS  
12 RELATED TO, DEALING WITH WHETHER OR NOT THE  
13 ARBITRATOR IN THAT CASE WENT BEYOND HIS POWERS TO  
14 DETERMINE CERTAIN ISSUES.

15 THE COURT: OKAY.

16 MR. HARLAND: AND THAT'S JUST THE PURE  
17 LEGAL ISSUE BECAUSE IT'S A MATTER THAT WAS  
18 SUBMITTED TO THE ARBITRATOR WHICH HE EITHER WENT  
19 BEYOND THAT ISSUE OR HE DIDN'T GO BEYOND THAT  
20 ISSUE. IF HE DIDN'T GO BEYOND THE ISSUES SUBMITTED  
21 TO HIM --

22 THE COURT: LET ME JUST HYPOTHETICALLY  
23 SUGGEST SOMETHING AND GET A RESPONSE.

24 WITHIN THE FOUR CORNERS OF THE  
25 ARBITRATION AWARD, THERE'S NO QUESTION THAT WHAT

1 MR. HARLAND JUST SAID IS CORRECT. THE COURT LOOKS  
2 AT THE ARBITRATION AWARD, AND IS THERE AN AGREEMENT  
3 TO ARBITRATE, AND IS THE AWARD NOT COMPLETELY OFF  
4 THE ENDS OF THE EARTH, AND SOMETIMES EVEN THOSE ARE  
5 OKAY. AND YOU JUST EITHER DECIDE TO CONFIRM IT OR  
6 NOT.

7 BUT IN TERMS OF THE ENFORCEABILITY OF THE  
8 ARBITRATION AWARD, THAT'S A DIFFERENT QUESTION.  
9 IF THE ARBITRATION INVOLVED PEOPLE WHO WERE NOT  
10 PARTIES TO THE ARBITRATION AGREEMENT, FOR INSTANCE,  
11 THEN IT DOESN'T MATTER HOW GREAT A JOB THE  
12 ARBITRATOR DID IF THERE'S NOTHING TO ENFORCE. SO  
13 THOSE ARE SEPARATE QUESTIONS.

14 AND I GUESS I WANT TO TRY TO GET AN  
15 INDICATION -- IS IT THE UNION'S POSITION THAT THE  
16 COURT SHOULD ADJUDICATE WHETHER THE AWARD SHOULD BE  
17 CONFIRMED OR NOT CONFIRMED JUST BASED ON  
18 TRADITIONAL ARBITRATION PRINCIPLES, AND THEN LEAVE  
19 FOR ANOTHER DAY THE QUESTION OF WHETHER AT LEAST  
20 ONE PARTY TO THAT ARBITRATION ACTUALLY HAD STANDING  
21 TO PARTICIPATE IN IT, WHICH IS WHAT I THINK I HEAR  
22 COUNSEL SUGGESTING.

23 MR. HARLAND: I THINK YOU CAN RESOLVE --  
24 I DON'T THINK YOU HAVE TO EVEN GET TO THE SECOND  
25 ISSUE, BUT I THINK YOU CAN RESOLVE BOTH OF THOSE

1 ISSUES IN ONE MOTION WITHOUT ANY DISCOVERY.

2 THE COURT: BUT HOW DO YOU -- I'M SORRY  
3 TO INTERRUPT YOU -- BUT HOW DO YOU RESOLVE AN ISSUE  
4 SUCH AS REPRESENTATION WITHOUT GETTING INTO SOME  
5 TYPE OF FACTUAL INQUIRY?

6 MR. HARLAND: WELL, FIRST, THE COURT DOES  
7 NOT HAVE JURISDICTION OVER THE REPRESENTATIONAL  
8 STATUS OF THE UNION, THAT'S THE NLRB'S  
9 JURISDICTION, SO THAT'S JUST A PURE LEGAL ISSUE  
10 THERE.

11 THE COURT IS ONLY, AS YOU SAID, LOOKING  
12 AT THE CONTRACT, LOOKING AT THE ARBITRATION AND  
13 DETERMINING WHETHER OR NOT THE ARBITRATOR ISSUED  
14 THE ARBITRATION AWARD BY DRAWING THE ESSENCE OF THE  
15 AWARD FROM THE CONTRACT OR, YOU KNOW, WHETHER OR  
16 NOT HE VIOLATED POLICY. YOU ARE REALLY LOOKING  
17 ONLY AT LIMITED THINGS.

18 THE REPRESENTATIONAL STATUS OF THE UNION,  
19 IS NOT AN ISSUE BEFORE THIS COURT AND THE COURT  
20 DOESN'T HAVE ANY JURISDICTION.

21 THE COURT: BUT WHY WOULD THE COURT WANT  
22 TO SPEND THE TIME EVALUATING THE ENFORCEABILITY OF  
23 AN ARBITRATION AWARD IF ULTIMATELY THE PARTIES WHO  
24 ARE SEEKING ENFORCEMENT DON'T HAVE STANDING?

25 IN OTHER WORDS, I UNDERSTAND YOUR POINT,



1 THE COURT CAN LOOK AT THE AWARD WITHOUT EVEN  
2 LOOKING AT THE ISSUE OF REPRESENTATIONAL STATUS,  
3 BUT WHY WOULD THE COURT DO THAT AS A MATTER OF  
4 JUDICIAL ADMINISTRATION IF THERE'S GOING TO BE A  
5 FIGHT ABOUT THAT LATER?

6 MR. HARLAND: WELL, AGAIN, I THINK YOU  
7 CAN DO ALL OF THAT WITHOUT ANY DISCOVERY.

8 I MEAN, FOR EXAMPLE, THE WHOLE THING THAT  
9 TICKED US OFF WAS A PETITION TO VACATE FILES BY  
10 STANFORD. THEY SAY THEY DON'T THINK EXISTS -- OR  
11 THEY HAVE DOUBTS THAT EXISTS. THERE IS -- I DON'T  
12 KNOW HOW ELSE TO ANSWER THE QUESTION OTHER THAN I  
13 DON'T THINK ANY DISCOVERY IS NECESSARY IN TERMS OF  
14 THE UNION. BUT THE COURT COULD CONFIRM THE  
15 ARBITRATION AWARD AND THEN ENFORCE IT, AT THAT  
16 POINT, DETERMINE IF THE UNION HAD ANY STANDING OR  
17 NOT.

18 THE COURT: WHY WOULD -- IF IT'S NOT  
19 ENFORCEABLE -- AND I DON'T MEAN TO GET INTO A  
20 HYPOTHETICAL ARGUMENT. BUT IF IT'S NOT ENFORCEABLE  
21 BECAUSE IT WASN'T OBTAINED BY A PARTY WITH  
22 STANDING, WHY WOULD THE COURT WANT TO INVEST THE  
23 RESOURCES DECIDING WHETHER IT'S ENFORCEABLE OR NOT?

24 MR. HARLAND: IN TERMS OF WHO HAS  
25 STANDING, THE ONLY PARTY THAT HAS STANDING IS THE

1 PARTY TO THE CONTRACT.

2 THE COURT: RIGHT.

3 MR. HARLAND: AND AGAIN, THIS IS A LEGAL  
4 ISSUE IN TERMS OF WHO THE PARTIES HAVE AS THEIR  
5 ADVOCATE AT THE ARBITRATION.

6 THE COURT: I'M NOT SURE THAT'S TRUE,  
7 COUNSEL.

8 AND AGAIN, I'M NOT TRYING EXERCISE  
9 JURISDICTION OVER SOMETHING I DON'T HAVE  
10 JURISDICTION OVER. BUT SAY THERE'S A CONTRACT  
11 BETWEEN A AND B, AND Z SHOWS UP AT THE ARBITRATION  
12 AND SAYS, I'M A.

13 MR. HARLAND: THAT'S NOT THE SITUATION WE  
14 ARE DEALING WITH. WHAT WE ARE DEALING WITH IS THE  
15 CONTRACTS BETWEEN A AND B. B SHOWS UP TO THE  
16 ARBITRATION AND THE ATTORNEY FOR B SAYS, I'M  
17 APPEARING ON BEHALF OF B.

18 COUNSEL FOR THE HOSPITALS ARE SAYING THAT  
19 THEY QUESTION WHETHER OR NOT OUR FIRM ACTUALLY  
20 REPRESENTS B DIRECTLY.

21 THAT'S NOT A STANDING ISSUE, THAT'S A  
22 QUESTION OF ATTORNEY-CLIENT PRIVILEGE.

23 THE COURT: IN MY HYPOTHETICAL, THOUGH,  
24 YOU HAVE A PARTY WHO WASN'T WHO THEY SAID THEY WERE  
25 PARTICIPATING IN THE ARBITRATION, AND THEN YOU GET

1 AN ADJUDICATION WHICH IS A RESULT OF THE POSITIONS  
2 TAKEN BY THAT PARTY AND IT TURNS OUT THE ACTUAL  
3 PARTY WASN'T THERE. THAT GOES TO THE QUESTION OF  
4 WHETHER THE ARBITRATION AWARD HAS ANY VALIDITY.

5 THAT'S WHAT I UNDERSTAND THE ARGUMENT TO  
6 BE. I'M NOT -- I HAVE NO IDEA WHETHER THERE'S ANY  
7 TRUTH TO IT, BUT IT'S MORE THAN A QUESTION OF WHO  
8 THE LAWYER IS.

9 WHAT I GATHER FROM THE VARIOUS PAPERS  
10 I'VE SEEN OVER THE LAST SEVERAL DAYS IS THAT  
11 THERE'S A DISPUTE AS TO WHETHER A LOCAL 715  
12 REPRESENTS THE PEOPLE WHO IT PURPORTS TO REPRESENT.

13 MR. HARLAND: BUT THAT IS AN ISSUE  
14 ENTIRELY BEFORE THE EXCLUSIVE JURISDICTION OF  
15 THE --

16 THE COURT: RIGHT. IT IS. AND I'M NOT  
17 PURPORTING TO DECIDE THAT.

18 BUT WHAT I'M SAYING IS BEFORE I ENTERTAIN  
19 A PETITION TO VACATE OR ENFORCE AN ARBITRATION  
20 AWARD, I HAVE TO MAKE SURE THAT THE WHOLE THING  
21 ISN'T GOING TO GET UNDERCUT BY AN ORDER FROM THE  
22 NLRB COMING OUT AT SOME FUTURE POINT IN TIME  
23 SAYING, ACTUALLY, THE PEOPLE WHO WERE THERE HAD NO  
24 RIGHT TO BE THERE.

25 THIS IS A RESOURCE QUESTION FOR ME. I

1 THINK WHAT YOU SAID IS ABSOLUTELY RIGHT. THE COURT  
2 CAN LOOK AT THE ARBITRATION AWARD AND DECIDE  
3 WHETHER IT MAKES SENSE, IN TERMS OF THE SCOPE OF  
4 THE ARBITRATION AGREEMENT, WITHOUT REVOLVING THE  
5 STANDING ISSUE AT ALL. I'M JUST TRYING TO DECIDE  
6 WHETHER IT'S A PRUDENT THING TO DO.

7 WHY SHOULD THE COURT GO THROUGH  
8 LITIGATING ALL OF THAT IF THERE'S A POSSIBILITY IT  
9 MAY NOT MEAN ANYTHING?

10 MR. HARLAND: YOU COULD SAY THAT IN ANY  
11 PETITION TO COMPEL, OR PETITION TO CONFIRM, OR  
12 PETITION TO VACATE AT ANY POINT, AND IT GIVES A  
13 COLLECTIVE BARGAINING RELATIONSHIP.

14 THE EMPLOYER CAN SAY, WE DON'T THINK THE  
15 UNION REPRESENTS WHO THEY PURPORT TO REPRESENT.  
16 BUT THE QUESTION IS: AT THE HEARING, THE PARTIES  
17 SHOWED UP; THE UNION ENTERED AN APPEARANCE ON  
18 BEHALF OF LOCAL 715; A REPRESENTATIVE WHO WAS A  
19 TRUSTEE OF 715 APPEARED.

20 THERE'S NO ISSUE OTHER THAN THAT. THE  
21 UNION IS JUST SEEKING TO ENFORCE THE AWARD THAT  
22 THEY RECEIVED AS A PROPOSED AGREEMENT.

23 THE COURT: LET ME JUST ASK COUNSEL.

24 IS THERE ANY REASON WHY THE COURT CAN'T  
25 LOOK AT THE MERITS OF THE ARBITRATION AWARD?

1 MS. RIDLEY: YES, BECAUSE ONE OF THE  
2 THINGS THE ARBITRATOR DID WAS DETERMINE THE ISSUE  
3 OF REPRESENTATION AND STANDING. EVEN THOUGH DURING  
4 THE PROCEEDING THE ARBITRATOR SAID THAT'S NOT THEIR  
5 JURISDICTION, THEY ACTUALLY MADE THAT DECISION.  
6 AND THAT IS, ORGANICALLY, ONE OF THE PROBLEMS THAT  
7 GOES BEYOND WHETHER OR NOT YOU CAN CONFIRM THE  
8 ARBITRATION AWARD BUT ALSO IT'S ENFORCEABILITY.

9 THE COURT: SO WHAT CAN WE DO TO EXPEDITE  
10 THE DISCOVERY ON THIS STANDING ISSUE?

11 MS. RIDLEY: WE ARE PREPARED TO ISSUE THE  
12 REQUESTS, TO IDENTIFY, YOU KNOW, THE DEPOSITIONS  
13 THAT WE NEED WITH REGARD TO IT ONCE WE GET THE  
14 DOCUMENTS WE THINK ARE RELEVANT TO FAIRLY NARROW  
15 THE ISSUE WE ARE RAISING HERE.

16 THE COURT: COUNSEL, IS THERE SOME REASON  
17 WHY THAT CAN'T BE DONE QUICKLY?

18 MR. HARLAND: ARE YOU ASKING ME?

19 THE COURT: YES, COUNSEL. I AM.

20 MR. HARLAND: I MEAN, I HOPE IT COULD BE  
21 DONE QUICKLY. I DOUBT THAT IT WILL BE, BUT I HOPE  
22 THAT IT COULD BE DONE QUICKLY.

23 THE COURT: WELL, IT'S IN EVERYBODY'S  
24 INTEREST.

25 ALL RIGHT, HERE'S WHAT I'M GOING TO DO.

1 AND THIS IS NECESSARILY BASED ON IMPRESSIONS RATHER  
2 THAN HAVING POURED THROUGH HUNDREDS OF PAGES OF  
3 DOCUMENTS. BUT I THINK DISCOVERY SHOULD PROCEED ON  
4 THIS ISSUE BECAUSE IT'S GOING ON ARISE AT SOME  
5 POINT.

6 AND THE COURT IS NOT PURPORTING TO  
7 EXERCISE JURISDICTION OVER SOMETHING THAT THE NLRB  
8 HAS EXCLUSIVE JURISDICTION OVER, BUT ONLY TO AID  
9 THE RESOLUTIONS OF THE MOTIONS IT'S GOING TO HEAR.

10 AND I WILL MOVE THE FILING DATE FOR THE  
11 PETITION TO VACATE IN THE PETITION TO COMPEL. I  
12 WILL MOVE THEM BACK 30 DAYS, SO WE WILL MOVE TO  
13 JULY 18TH IN LIEU OF THE JUNE 20TH DATE. AND  
14 DISCOVERY IS TO PROCEED, AND IF THERE'S PROBLEMS  
15 WITH THAT, THEY ARE REFERRED TO MAGISTRATE  
16 JUDGE SEEBORG.

17 THEN THE HEARING DATE ON THE  
18 CROSS-MOTIONS WITH RESPECT TO THE ARBITRATION AWARD  
19 WOULD BE AUGUST 29TH. AND I THINK THAT MAYBE -- I  
20 THINK THAT WORKS. AUGUST 20TH AT 9:00.

21 MR. HARLAND: OKAY. SO IF I HAVE IT  
22 CORRECT, YOUR HONOR, BY JULY 18TH, 2008, DISCOVERY  
23 SHOULD BE COMPLETED, ARE YOU SAYING?

24 THE COURT: I'M SAYING THAT'S WHEN THE  
25 MOTIONS SHOULD BE FILED.



1 MR. HARLAND: OKAY.

2 THE COURT: DISCOVERY IS GOING TO HAVE TO  
3 GET DONE BEFORE THAT. I'M LEAVING THAT TO THE  
4 PARTIES. AND I REALIZE THIS IS AN ACRIMONIOUS  
5 RELATIONSHIP, AND I EXPECT COUNSEL TO COOPERATE AND  
6 USE ALL THE PROFESSIONAL COURTESIES THAT THEY CAN  
7 TO GET IT DONE SO THAT MOTIONS CAN BE FILED ON  
8 JULY 18TH.

9 AND THEN WE WILL HAVE A HEARING ON THE  
10 CROSS-MOTIONS, WITH RESPECT TO THE ARBITRATION  
11 AWARD, ON AUGUST 29TH.

12 MS. RIDLEY: AND I WOULD --

13 MR. HARLAND: FOR BOTH OF THEM?

14 THE COURT: FOR BOTH OF THEM, YES.  
15 THAT'S WHAT I MEAN BY CROSS-MOTIONS.

16 MS. RIDLEY: AND JUST SO I'M CLEAR, THE  
17 MOTIONS IN THE FIRST FILED CASE, JUST TO BE CLEAR.

18 THE COURT: YES.

19 MS. RIDLEY: AND THERE'S NO GENERAL ORDER  
20 ABOUT THE CLOSURE OF DISCOVERY FOR ALL THE RELATED?

21 THE COURT: NO, NO. AND THERE'S ONLY ONE  
22 ARBITRATION AWARD, RIGHT?

23 MS. RIDLEY: RIGHT.

24 THE COURT: AND ONE PARTY WANTS TO  
25 ENFORCE IT AND THE OTHER ONE WANTS TO VACATE IT.

1 MR. HARLAND: ACTUALLY, THERE'S TWO.

2 THERE'S AN ARBITRATION AWARD IN 5158 WHICH THE  
3 HOSPITAL IS SEEKING TO VACATE.

4 THE COURT: OKAY. AND THEN THERE IS ONE  
5 THE UNION IS SEEKING TO ENFORCE.

6 MR. HARLAND: YES.

7 THE COURT: I WANT TO KEEP ALL OF THIS --  
8 AS FAR AS I'M CONCERNED, THIS IS ONE TROUBLED  
9 RELATIONSHIP.

10 THAT'S THE WAY I'M LOOKING AT IT. I'M  
11 TRYING TO LOOK AT IT WITH A BIG PICTURE RATHER THAN  
12 BREAK IT UP INTO CONSTITUENT PARTS BECAUSE IT WILL  
13 DRIVE ME NUTS IF I DO THAT.

14 SO THANK YOU VERY MUCH.

15 MS. RIDLEY: THANK YOU, YOUR HONOR.

16 (WHEREUPON, THE PROCEEDINGS IN THIS  
17 MATTER WERE CONCLUDED.)

18

19

20

21

22

23

24

25

1 STATE OF CALIFORNIA )  
2 ) SS:  
3 COUNTY OF SANTA CLARA )  
4

5 I, THE UNDERSIGNED OFFICIAL COURT  
6 REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
7 THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
8 FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
9 CERTIFY:

10 THAT THE FOREGOING TRANSCRIPT,  
11 CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND  
12 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS  
13 SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
14 HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
15 TRANSCRIPTION TO THE BEST OF MY ABILITY.

16  
17 { \_\_\_\_\_ }

18 SUMMER A. CLANTON

19 OFFICIAL REPORTER, CSR NO. 13185  
20  
21  
22  
23  
24  
25

**EXHIBIT B**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409

TELEPHONE: 415.434.4484

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LAURENCE R. ARNOLD, CA BAR NO. 133715

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SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Respondents STANFORD HOSPITAL & CLINICS and

LUCILE PACKARD CHILDREN'S HOSPITAL

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL**

**Respondents.**

Case No: 5:08-CV-00213-JF

**REQUEST FOR PRODUCTION OF  
DOCUMENTS, SET NO. ONE**

Judge: HON. JEREMY FOGEL

**PROPOUNDING PARTY: STANFORD HOSPITAL & CLINICS and LUCILE  
PACKARD CHILDREN'S HOSPITAL**

**RESPONDING PARTY: SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 715**

**SET NUMBER: ONE**

**TO PETITIONER SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715  
AND TO ITS ATTORNEYS OF RECORD:**

**Pursuant to Rule 34 the Federal Rules of Civil Procedure, Respondents  
STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S**

1 HOSPITAL ("RESPONDENT"), by their attorneys, Foley & Lardner LLP, hereby  
 2 demand that within thirty (30) days after service of these requests that Petitioner  
 3 SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, produce and permit  
 4 for inspection and copying the documents and tangible things described below in its  
 5 possession, custody or control. The place and time for inspection shall be at the offices  
 6 of Foley & Lardner LLP, One Maritime Plaza, Suite 600, San Francisco, California, or  
 7 such other location and/or time as counsel for the parties may agree.

### 8 **DEFINITIONS AND INSTRUCTIONS**

9 The following definitions and instructions apply throughout this demand for  
 10 identification and production, unless the context clearly indicates otherwise:

11 A. "YOU" and "YOUR" shall mean and include SERVICE EMPLOYEES  
 12 INTERNATIONAL UNION, LOCAL 715 and any of its agents, affiliates,  
 13 representatives, or any other person or entity acting on its behalf.

14 B. This demand requires that YOU identify and produce all DOCUMENTS  
 15 and WRITINGS responsive to the following numbered demands which are in YOUR  
 16 possession or control or subject to YOUR control, wherever they may be located. The  
 17 DOCUMENTS and WRITINGS which YOU must identify and produce include not only  
 18 writings which YOU presently possess, but also writings which YOU are aware of  
 19 (regardless of whether they are in YOUR possession or not), DOCUMENTS and  
 20 WRITINGS that are in the possession or control of YOUR attorneys, accountants,  
 21 bookkeepers, employees, representatives, or anyone else acting on YOUR behalf.

22 B. YOU are requested to produce all DOCUMENTS and WRITINGS which  
 23 are responsive to the following numbered demands for inspection and photocopying at  
 24 the law offices of Foley & Lardner LLP, located at One Maritime Plaza, Sixth Floor, San  
 25 Francisco, California 94111 3404, 30 days after service of this demand (or the next  
 26 business day if that day falls on a Saturday, Sunday or court holiday).

27 C. All DOCUMENTS and WRITINGS which are responsive in whole or in  
 28



1 part to the following numbered demand shall be produced in full, without abridgment,  
 2 abbreviation or expurgation of any sort. If any such DOCUMENTS and WRITINGS  
 3 cannot be produced in full, produce the DOCUMENT and/or WRITING to the greatest  
 4 extent possible and indicate in YOUR written response what portion of the DOCUMENT  
 5 and/or WRITING is not produced and why it could not be produced.

6 D. The term "DOCUMENT" as used herein means and includes any and all  
 7 documents, tangible things, and all WRITINGS of any kind, including the originals and  
 8 all non-identical copies, whether different from the originals by reason of any notation  
 9 made on such copies or otherwise, and includes, without limitation, agreements, purchase  
 10 orders, invoices, receipts, accounting records, contracts, bills of lading, shipping records,  
 11 correspondence, memoranda, notes, diaries, statistics, letters, telegrams, telex, faxes,  
 12 minutes, contracts, reports, studies, statements, summaries, interoffice and intra-office  
 13 communications, notations of any sort of conversations, telephone calls, meetings or  
 14 other communications, computer printouts, tape recordings, audiotapes, videotapes,  
 15 charts, graphs, and electronic, mechanical or electronic records, compact discs, computer  
 16 discs, computer tapes, computer software, electronically stored media, and any other  
 17 form of stored information. The term "WRITINGS" as used herein means and includes  
 18 the definition of that term under Federal Rule of Evidence ("FRE") Rule 1001(1).

19 E. YOU are required to produce not only the original or an exact copy of the  
 20 original of all DOCUMENTS and WRITINGS responsive to the following numbered  
 21 demands, but also all copies of such DOCUMENTS and WRITINGS which bear any  
 22 notes or markings not found on the originals and all preliminary, intermediate, final, and  
 23 revised drafts of said DOCUMENTS and WRITINGS.

24 F. If YOU are not producing any DOCUMENT or WRITING responsive to  
 25 any of the numbered demands below on the basis of a claimed privilege, or for any other  
 26 reason, state the following information:

- 27 1. Describe the DOCUMENT and/or WRITING with specificity;
- 28 2. Identify the privilege claimed or other reason why the DOCUMENT

1 and/or WRITING is not produced;

2 3. State the names and capacities of all persons who participated in the  
3 preparation of the DOCUMENT and/or WRITING; and

4 4. State the names and capacities of all persons to whom the  
5 DOCUMENT and/or WRITING was circulated or its contents communicated.

6 G. "RELATING TO" or "RELATE(S) TO" are used in their broadest sense  
7 and means referring to, describing, evidencing, containing, supporting, rebutting,  
8 reflecting, refuting, negating, pertaining to, comprising, memorializing, identifying,  
9 verifying, and/or in any way involving or having a logical connection to the subject  
10 matter of the request, in whole or in part.

11 H. "COMPLAINT" means the operative complaint filed in the above  
12 captioned action.

13 I. "RESPONDENT" means Stanford Hospital & Clinics and Lucile Packard  
14 Children's Hospital.

15 J. "LOCAL" means any local union or labor organization affiliated with the  
16 Service Employees International Union ("SEIU").

17 **REQUESTS FOR PRODUCTION**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO the identification of  
20 counsel representing LOCAL 715 regarding the issues which are the subject of the  
21 COMPLAINT.

22 **REQUEST FOR PRODUCTION NO. 2:**

23 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future  
24 representative capacity of LOCAL 715 regarding any employees of RESPONDENT from  
25 June 30, 2005 to the present.

26 **REQUEST FOR PRODUCTION NO. 3:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future  
28 representative capacity of LOCAL 521, whether by that name or by other reference to the

1 entity which became LOCAL 521 when chartered by SEIU International, regarding any  
2 employees of RESPONDENT from June 30, 2005 to the present.

3 **REQUEST FOR PRODUCTION NO. 4:**

4 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future  
5 representative capacity of SEIU-UHW regarding any employees of RESPONDENT from  
6 June 30 2005 to the present.

7 **REQUEST FOR PRODUCTION NO. 5:**

8 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence  
9 between YOU and any SEIU International official and/or representative from June 30,  
10 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its  
11 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
12 by any manner of any of its represented bargaining units to another LOCAL or  
13 LOCALS).

14 **REQUEST FOR PRODUCTION NO. 6:**

15 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence  
16 between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to  
17 the present regarding the status of LOCAL 715 (including, without limitation, its  
18 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
19 by any manner of its represented bargaining units to another LOCAL or LOCALS).

20 **REQUEST FOR PRODUCTION NO. 7:**

21 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence  
22 between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to  
23 the present regarding the status of LOCAL 715 (including, without limitation, its  
24 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
25 by any manner of any of its represented bargaining units to another LOCAL or  
26 LOCALS).

27 **REQUEST FOR PRODUCTION NO. 8:**

28 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence

1 between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to  
 2 the present regarding the status of LOCAL 715 (including, without limitation, its  
 3 existence, its termination and/or its merger with or into another LOCAL, or the transfer  
 4 by any manner of any of its represented bargaining units to another LOCAL or  
 5 LOCALS).

6 **REQUEST FOR PRODUCTION NO. 9:**

7 Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any  
 8 funds (including, without limitation, dues payments) RELATING TO LOCAL 715  
 9 (including, without limitation, all deposits, payments and transfers of said funds) from  
 10 January 2007 to the present.

11 **REQUEST FOR PRODUCTION NO. 10:**

12 Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and  
 13 transactions of LOCAL 715 from January 2006 to the present (including, without  
 14 limitation, all reports and monitoring activities of said affairs and transactions).

15 **REQUEST FOR PRODUCTION NO. 11:**

16 Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of  
 17 a trusteeship for LOCAL 715 from January 2007 to the present.

18 **REQUEST FOR PRODUCTION NO. 12:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
 20 website from January 2007 to the present including, without limitation, all links from the  
 21 website to other sites, all references to LOCAL 715's status (including existence,  
 22 termination or merger with or into another LOCAL), all references to LOCAL 715's  
 23 funds, and all references to LOCAL 715's officers and/or trustees. This request  
 24 specifically includes all versions of LOCAL 715's website during the time period  
 25 including, without limitation, all changes to the website and the reasons for such changes.

26 **REQUEST FOR PRODUCTION NO. 13:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's  
 28 website from January 2007 to the present including, without limitation, all links from the

1 website to other sites, all references to LOCAL 521's status (including its creation,  
 2 existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all  
 3 references to LOCAL 521's officers and/or trustees. This request specifically includes all  
 4 versions of LOCAL 521's website during the time period including, without limitation,  
 5 all changes to the website and the reasons for such changes.

6 **REQUEST FOR PRODUCTION NO. 14:**

7 Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's  
 8 website from January 1, 2006 to the present including, without limitation, all links from  
 9 the website to other sites, all references to SEIU-UHW's status in any capacity as  
 10 representative of any employees of RESPONDENT, and all references to SEIU-UHW's  
 11 receipt of funds from SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request  
 12 specifically includes all versions of SEIU-UHW's website during the time period  
 13 including, without limitation, all changes to the website and the reasons for such changes.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
 16 between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes  
 17 thereto from January 1, 2007 to the present.

18 **REQUEST FOR PRODUCTION NO. 16:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
 20 between YOU and LOCAL 521 regarding LOCAL 521's website and/or changes thereto  
 21 from January 1, 2007 to the present.

22 **REQUEST FOR PRODUCTION NO. 17:**

23 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
 24 between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto  
 25 from January 2006 to the present.

26 **REQUEST FOR PRODUCTION NO. 18:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing  
 28 Agreement between LOCAL 715 and SEIU-UHW.

1 **REQUEST FOR PRODUCTION NO. 19:**

2 Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing  
3 Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated  
4 LOCALS.

5 **REQUEST FOR PRODUCTION NO. 20:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger &  
7 Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This  
8 request does not seek production of DOCUMENTS and WRITINGS concerning  
9 counsel's advice but merely seeks production of DOCUMENTS and WRITINGS  
10 RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

11 **REQUEST FOR PRODUCTION NO. 21:**

12 Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon  
13 LLP's representation of LOCAL 715 from January 2007 to the present. This request  
14 does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice  
15 but merely seeks production of DOCUMENTS and WRITINGS RELATING TO  
16 Altshuler Berzon's retention to represent LOCAL 715.

17 **REQUEST FOR PRODUCTION NO. 22:**

18 Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of  
19 funds from SEIU-LOCAL 715.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of  
22 funds from SEIU-LOCAL 521

23 **REQUEST FOR PRODUCTION NO. 24:**

24 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
25 transfer and/or payment of funds to SEIU-UHW.

26 **REQUEST FOR PRODUCTION NO. 25:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's  
28 transfer and/or payment of funds to SEIU-UHW.



1 **REQUEST FOR PRODUCTION NO. 26:**

2 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's  
3 transfer and/or payment of funds to SEIU LOCAL 1877 or its successor or affiliated  
4 LOCALS.

5 **REQUEST FOR PRODUCTION NO. 27:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of  
7 funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer  
8 of funds, payment of funds and/or receipt of funds).

9 **REQUEST FOR PRODUCTION NO. 28:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO all notices of  
11 Executive Board meetings and/or Special Executive Board meetings for LOCAL 715  
12 between July 1, 2005 and June 9, 2007.

13 **REQUEST FOR PRODUCTION NO. 29:**

14 Produce all DOCUMENTS and WRITINGS RELATING TO all notices of  
15 Executive Board meetings and/or Special Executive Board meetings for LOCAL 521  
16 between July 1, 2006 and June 9, 2007.

17 **REQUEST FOR PRODUCTION NO. 30:**

18 Produce all DOCUMENTS and WRITINGS RELATING TO all notices of  
19 Executive Board meetings and/or Special Executive Board meetings for SEIU-UHW  
20 between July 1, 2005 and June 9, 2007 which reference in any manner the representation  
21 of any employees of RESPONDENT.

22 **REQUEST FOR PRODUCTION NO. 31:**

23 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of  
24 Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007  
25 including, without limitation, a list of those in attendance and those not in attendance at  
26 said meetings.

27 **REQUEST FOR PRODUCTION NO. 32:**

28 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of

Executive Board meetings for LOCAL 521 held between July 1, 2006 and June 9, 2007 including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 33:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for SEIU-UHW held between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 34:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 35:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's annual budget and/or budgets covering and/or applicable to calendar years 2007 and 2008 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 38:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 521 (including, without limitation, all regular



1 and special general membership meetings) held between January 1, 2007 and June 9,  
2 2007.

3 **REQUEST FOR PRODUCTION NO. 39:**

4 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any  
5 general membership meetings for SEIU-UHW (including, without limitation, all regular  
6 and special general membership meetings) which reference in any manner the  
7 representation of any employees of RESPONDENT and were held between July 1, 2005  
8 and June 9, 2007.

9 **REQUEST FOR PRODUCTION NO. 40:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of  
11 LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from  
12 January 2006 to the present.

13 **REQUEST FOR PRODUCTION NO. 41:**

14 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of  
15 LOCAL 521 showing all dues receipts deposits in accounts held by LOCAL 521 received  
16 from or on behalf of any employees of RESPONDENT from January 2006 to the present.

17 **REQUEST FOR PRODUCTION NO. 42:**

18 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of  
19 SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received  
20 from or on behalf of any employees of RESPONDENT from January 2006 to the present.

21 **REQUEST FOR PRODUCTION NO. 43:**

22 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
23 other appointment of any employee of SEIU-UHW to provide services to LOCAL 715  
24 RELATING TO the representation of any employees of RESPONDENT.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
27 other appointment of any employee of SEIU-UHW to provide services to LOCAL 521  
28 RELATING TO the representation of any employees of RESPONDENT.

1 **REQUEST FOR PRODUCTION NO. 45:**

2 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
3 other appointment of counsel by SEIU-UHW to provide services to LOCAL 715  
4 RELATING TO the representation of any employees of RESPONDENT.

5 **REQUEST FOR PRODUCTION NO. 46:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
7 other appointment of counsel by SEIU-UHW to provide services to LOCAL 521  
8 RELATING TO the representation of any employees of RESPONDENT.

9 **REQUEST FOR PRODUCTION NO. 47:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
11 other appointment of counsel by LOCAL 521 to provide services RELATING TO the  
12 representation of any employees of RESPONDENT.

13 **REQUEST FOR PRODUCTION NO. 48:**

14 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
15 representation employees of Stanford University from January 2006 to the present.

16 **REQUEST FOR PRODUCTION NO. 49:**

17 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's  
18 representation employees of Santa Clara University from January 2006 to the present.

19 **REQUEST FOR PRODUCTION NO. 50:**

20 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
21 other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide  
22 services to LOCAL 715 RELATING TO the representation of any employees of Stanford  
23 University from January 2006 to the present.

24 **REQUEST FOR PRODUCTION NO. 51:**

25 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or  
26 other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide  
27 services to LOCAL 715 RELATING TO the representation of any employees of Santa  
28 Clara University from January 2006 to the present.

1 **REQUEST FOR PRODUCTION NO. 52:**

2 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
3 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the  
4 representation of any employees of Stanford University from January 2006 to the present.

5 **REQUEST FOR PRODUCTION NO. 53:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
7 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the  
8 representation of any employees of Santa Clara University from January 2006 to the  
9 present.

10 **REQUEST FOR PRODUCTION NO. 54:**

11 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
12 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the  
13 representation of any employees of Stanford University from January 2006 to the present.

14 **REQUEST FOR PRODUCTION NO. 55:**

15 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence  
16 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the  
17 representation of any employees of Santa Clara University from January 2006 to the  
18 present.

19 **REQUEST FOR PRODUCTION NO. 56:**

20 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of  
21 funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including,  
22 without limitation, any transfer of funds, payment of funds and/or receipt of funds).

23 **REQUEST FOR PRODUCTION NO. 57:**

24 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of  
25 funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 (including,  
26 without limitation, any transfer of funds, payment of funds and/or receipt of funds).

1 Dated: May 13, 2008

2 FOLEY & LARDNER LLP  
3 LAURENCE R. ARNOLD  
4 EILEEN R. RIDLEY  
5 SCOTT P. INCIARDI

6 By: 

7 EILEEN R. RIDLEY  
8 Attorneys for Respondents STANFORD  
9 HOSPITAL & CLINICS and LUCILE  
10 PACKARD CHILDREN'S HOSPITAL  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **May 13, 2008**, I served the foregoing document(s) described as: **REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. ONE** on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

\*Attorneys for Petitioner SERVICE  
EMPLOYEES INTERNATIONAL  
UNION LOCAL 715


Bruce A. Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

X BY MAIL

x I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Francisco, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **May 13, 2008**, at **San Francisco, California**.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
TERESA SCHUMAN

## **EXHIBIT C**

085438-0000

AO88 (Rev. 12/07) Subpoena in a Civil Case

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
 NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL UNION,  
 LOCAL 715

**SUBPOENA IN A CIVIL CASE**

V.

STANFORD HOSPITAL & CLINICS and LUCILE  
 PACKARD CHILDREN'S HOSPITAL

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO: SEIU Local 521  
 2302 ZANKER ROAD  
 SAN JOSE, CA 95131

**YOU ARE COMMANDED** to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

[See Attachment "A"]

PLACE

Foley & Lardner LLP, One Maritime Plaza, Sixth Floor, San Francisco, CA 94111

DATE AND TIME

June 18, 2008

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

May 15, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley & Lardner LLP, One Maritime Plaza, Sixth Floor, San Francisco, CA 94111  
 Telephone: (415) 434-4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.



## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



**Attachment "A"**

**DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions apply throughout this demand for identification and production, unless the context clearly indicates otherwise:

A. "YOU" and "YOUR" shall mean and include SEIU Local 521 and any of its agents, affiliates, representatives, or any other person or entity acting on its behalf.

B. This demand requires that YOU identify and produce all DOCUMENTS and WRITINGS responsive to the following numbered demands which are in YOUR possession or control or subject to YOUR control, wherever they may be located. The DOCUMENTS and WRITINGS which YOU must identify and produce include not only writings which YOU presently possess, but also writings which YOU are aware of (regardless of whether they are in YOUR possession or not), DOCUMENTS and WRITINGS that are in the possession or control of YOUR attorneys, accountants, bookkeepers, employees, representatives, or anyone else acting on YOUR behalf.

B. YOU are requested to produce all DOCUMENTS and WRITINGS which are responsive to the following numbered demands for inspection and photocopying at the law offices of Foley & Lardner LLP, located at One Maritime Plaza, Sixth Floor, San Francisco, California 94111 3404, on June 18, 2008 (or 30 days after service of this demand, or the next business day if that day falls on a Saturday, Sunday or court holiday).

C. All DOCUMENTS and WRITINGS which are responsive in whole or in part to the following numbered demand shall be produced in full, without abridgment, abbreviation or expurgation of any sort. If any such DOCUMENTS and WRITINGS cannot be produced in full, produce the DOCUMENT and/or WRITING to the greatest extent possible and

indicate in YOUR written response what portion of the DOCUMENT and/or WRITING is not produced and why it could not be produced.

D. The term "DOCUMENT" as used herein means and includes any and all documents, tangible things, and all WRITINGS of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, and includes, without limitation, agreements, purchase orders, invoices, receipts, accounting records, contracts, bills of lading, shipping records, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, telex, faxes, minutes, contracts, reports, studies, statements, summaries, interoffice and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, computer printouts, tape recordings, audiotapes, videotapes, charts, graphs, and electronic, mechanical or electronic records, compact discs, computer discs, computer tapes, computer software, electronically stored media, and any other form of stored information. The term "WRITINGS" as used herein means and includes the definition of that term under Federal Rule of Evidence ("FRE") Rule 1001(1).

E. YOU are required to produce not only the original or an exact copy of the original of all DOCUMENTS and WRITINGS responsive to the following numbered demands, but also all copies of such DOCUMENTS and WRITINGS which bear any notes or markings not found on the originals and all preliminary, intermediate, final, and revised drafts of said DOCUMENTS and WRITINGS.

F. If YOU are not producing any DOCUMENT or WRITING responsive to any of the numbered demands below on the basis of a claimed privilege, or for any other reason, state the following information:

1. Describe the DOCUMENT and/or WRITING with specificity;

2. Identify the privilege claimed or other reason why the DOCUMENT and/or WRITING is not produced;

3. State the names and capacities of all persons who participated in the preparation of the DOCUMENT and/or WRITING; and

4. State the names and capacities of all persons to whom the DOCUMENT and/or WRITING was circulated or its contents communicated.

G. "RELATING TO" or "RELATE(S) TO" are used in their broadest sense and means referring to, describing, evidencing, containing, supporting, rebutting, reflecting, refuting, negating, pertaining to, comprising, memorializing, identifying, verifying, and/or in any way involving or having a logical connection to the subject matter of the request, in whole or in part.

H. "COMPLAINT" means the operative complaint filed in the above captioned action.

I. "RESPONDENT" means Stanford Hospital & Clinics and Lucile Packard Children's Hospital.

J. "LOCAL" means any local union or labor organization affiliated with the Service Employees International Union ("SEIU").

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1:**

Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

**REQUEST FOR PRODUCTION NO. 2:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 3:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 521, whether by that name or by other reference to the entity which became LOCAL 521 when chartered by SEIU International, regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 4:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30 2005 to the present.

**REQUEST FOR PRODUCTION NO. 5:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU International official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 6:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its

termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 7:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 8:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 9:**

Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any funds (including, without limitation, dues payments) RELATING TO LOCAL 715 (including, without limitation, all deposits, payments and transfers of said funds) from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 10:**

Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of LOCAL 715 from January 2006 to the present (including, without limitation, all reports and monitoring activities of said affairs and transactions).

**REQUEST FOR PRODUCTION NO. 11:**

Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of a trusteeship for LOCAL 715 from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 715's status (including existence, termination or merger with or into another LOCAL), all references to LOCAL 715's funds, and all references to LOCAL 715's officers and/or trustees. This request specifically includes all versions of LOCAL 715's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 13:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 521's status (including its creation, existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers and/or trustees. This request specifically includes all versions of LOCAL 521's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 14:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from January 1, 2006 to the present including, without limitation, all links from the website to other sites, all references to SEIU-UHW's status in any capacity as representative of any employees of RESPONDENT, and all references to SEIU-UHW's receipt of funds from

SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 16:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 521 regarding LOCAL 521's website and/or changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 17:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 18:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 19:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 20:**

Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 21:**

Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's representation of LOCAL 715 from January 2007 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 22:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 715.

**REQUEST FOR PRODUCTION NO. 23:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 521

**REQUEST FOR PRODUCTION NO. 24:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's transfer and/or payment of funds to SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 25:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU-UHW.



**REQUEST FOR PRODUCTION NO. 26:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU LOCAL 1877 or its successor or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 27:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 28:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 29:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 521 between July 1, 2006 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 30:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for SEIU-UHW between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 31:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007

including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 32:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 521 held between July 1, 2006 and June 9, 2007 including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 33:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for SEIU-UHW held between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 34:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 35:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's annual budget and/or budgets covering and/or applicable to calendar years 2007 and 2008 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 38:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 521 (including, without limitation, all regular and special general membership meetings) held between January 1, 2007 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 39:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for SEIU-UHW (including, without limitation, all regular and special general membership meetings) which reference in any manner the representation of any employees of RESPONDENT and were held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 40:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 41:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 521 showing all dues receipts deposits in accounts held by LOCAL 521 received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 43:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 44:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 45:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 46:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 47:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by LOCAL 521 to provide services RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 48:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 49:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 50:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 51:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 52:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 53:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 54:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 55:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 56:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 57:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **May 16, 2008**, I served the foregoing document(s) described as: **SUBPOENA IN A CIVIL CASE** on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

\*Attorneys for Petitioner SERVICE  
EMPLOYEES INTERNATIONAL  
UNION LOCAL 715

Bruce A. Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

X BY MAIL

x I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Francisco, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **May 16, 2008**, at **San Francisco, California**.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
TERESA SCHUMAN

085437-3080

Attorney or Party without Attorney: <b>EILEEN R. RIDLEY</b> <b>FOLEY &amp; LARDNER, LLP</b> <b>ONE MARITIME PLAZA</b> <b>6th FLOOR</b> <b>SAN FRANCISCO, CA 94111</b> Telephone No: 415-434-4484 FAX No: 415-434-4507		For Court Use Only			
Attorney for: Plaintiff				Ref. No. or File No.: <b>085437-3080</b>	
Insert name of Court, and Judicial District and Branch Court: <b>United States District Court Northern District Of California</b>					
Plaintiff: SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715 Defendant: STANFORD HOSPITAL & CLINICS, et al.					
<b>PROOF OF SERVICE</b> <b>SUBPOENA - CIVIL CASE</b>		Hearing Date: <b>Wed, Jun. 18, 2008</b>	Time: 	Dept/Div: 	Case Number: <b>5:08-CV-00213-JF</b>

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUBPOENA IN A CIVIL CASE

3. a. Party served: SEIU LOCAL 521  
 b. Person served: ROBIN MELENDEZ, PAYROLL/AUTHORIZED TO ACCEPT

4. Address where the party was served: 2302 ZANKER ROAD  
 SAN JOSE, CA 95131

5. I served the party:  
 a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Fri., May. 16, 2008 (2) at: 3:50PM  
 b. I received this subpoena for service on: Friday, May 16, 2008

6. Witness fees were not demanded or paid.

7. Person Who Served Papers:

a. EDGAR MENDEZ

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: Not a Registered California Process Server



**First Legal Support Services**  
 ATTORNEY SERVICES  
 1511 BEVERLY BOULEVARD  
 Los Angeles, CA 90026  
 (213) 250-1111, FAX (213) 250-1197

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Mon, May. 19, 2008



**Issued by the**  
**UNITED STATES DISTRICT COURT**  
 NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL UNION,  
 LOCAL 715

**SUBPOENA IN A CIVIL CASE**

V.

STANFORD HOSPITAL & CLINICS and LUCILE  
 PACKARD CHILDREN'S HOSPITAL

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO: SEIU/United Health Care Workers West Local 2005  
 560 THOMAS L. BERKLEY WAY, OAKLAND, CA 94612-1602

☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

[See Attachment "A"]

PLACE

Foley & Lardner LLP, One Maritime Plaza, Sixth Floor, San Francisco, CA  
 94111

DATE AND TIME

June 18, 2008

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

May 15, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley & Lardner LLP, One Maritime Plaza, Sixth Floor, San Francisco, CA 94111  
 Telephone: (415) 434-4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) DUTIES IN RESPONDING TO A SUBPOENA.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**Attachment "A"**

**DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions apply throughout this demand for identification and production, unless the context clearly indicates otherwise:

A. "YOU" and "YOUR" shall mean and include SEIU/United Health Care Workers West Local 2005 and any of its agents, affiliates, representatives, or any other person or entity acting on its behalf.

B. This demand requires that YOU identify and produce all DOCUMENTS and WRITINGS responsive to the following numbered demands which are in YOUR possession or control or subject to YOUR control, wherever they may be located. The DOCUMENTS and WRITINGS which YOU must identify and produce include not only writings which YOU presently possess, but also writings which YOU are aware of (regardless of whether they are in YOUR possession or not), DOCUMENTS and WRITINGS that are in the possession or control of YOUR attorneys, accountants, bookkeepers, employees, representatives, or anyone else acting on YOUR behalf.

B. YOU are requested to produce all DOCUMENTS and WRITINGS which are responsive to the following numbered demands for inspection and photocopying at the law offices of Foley & Lardner LLP, located at One Maritime Plaza, Sixth Floor, San Francisco, California 94111 3404, on June 18, 2008 (or 30 days after service of this demand, or the next business day if that day falls on a Saturday, Sunday or court holiday).

C. All DOCUMENTS and WRITINGS which are responsive in whole or in part to the following numbered demand shall be produced in full, without abridgment, abbreviation or expurgation of any sort. If any such DOCUMENTS and WRITINGS cannot be

produced in full, produce the DOCUMENT and/or WRITING to the greatest extent possible and indicate in YOUR written response what portion of the DOCUMENT and/or WRITING is not produced and why it could not be produced.

D. The term "DOCUMENT" as used herein means and includes any and all documents, tangible things, and all WRITINGS of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, and includes, without limitation, agreements, purchase orders, invoices, receipts, accounting records, contracts, bills of lading, shipping records, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, telex, faxes, minutes, contracts, reports, studies, statements, summaries, interoffice and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, computer printouts, tape recordings, audiotapes, videotapes, charts, graphs, and electronic, mechanical or electronic records, compact discs, computer discs, computer tapes, computer software, electronically stored media, and any other form of stored information. The term "WRITINGS" as used herein means and includes the definition of that term under Federal Rule of Evidence ("FRE") Rule 1001(1).

E. YOU are required to produce not only the original or an exact copy of the original of all DOCUMENTS and WRITINGS responsive to the following numbered demands, but also all copies of such DOCUMENTS and WRITINGS which bear any notes or markings not found on the originals and all preliminary, intermediate, final, and revised drafts of said DOCUMENTS and WRITINGS.

F. If YOU are not producing any DOCUMENT or WRITING responsive to any of the numbered demands below on the basis of a claimed privilege, or for any other reason, state the following information:

1. Describe the DOCUMENT and/or WRITING with specificity;
2. Identify the privilege claimed or other reason why the DOCUMENT and/or WRITING is not produced;
3. State the names and capacities of all persons who participated in the preparation of the DOCUMENT and/or WRITING; and
4. State the names and capacities of all persons to whom the DOCUMENT and/or WRITING was circulated or its contents communicated.

G. "RELATING TO" or "RELATE(S) TO" are used in their broadest sense and means referring to, describing, evidencing, containing, supporting, rebutting, reflecting, refuting, negating, pertaining to, comprising, memorializing, identifying, verifying, and/or in any way involving or having a logical connection to the subject matter of the request, in whole or in part.

H. "COMPLAINT" means the operative complaint filed in the above captioned action.

I. "RESPONDENT" means Stanford Hospital & Clinics and Lucile Packard Children's Hospital.

J. "LOCAL" means any local union or labor organization affiliated with the Service Employees International Union ("SEIU").

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1:**

Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

**REQUEST FOR PRODUCTION NO. 2:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 3:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 521, whether by that name or by other reference to the entity which became LOCAL 521 when chartered by SEIU International, regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 4:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30 2005 to the present.

**REQUEST FOR PRODUCTION NO. 5:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU International official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 6:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its

termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 7:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 8:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 9:**

Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any funds (including, without limitation, dues payments) RELATING TO LOCAL 715 (including, without limitation, all deposits, payments and transfers of said funds) from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 10:**

Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of LOCAL 715 from January 2006 to the present (including, without limitation, all reports and monitoring activities of said affairs and transactions).



**REQUEST FOR PRODUCTION NO. 11:**

Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of a trusteeship for LOCAL 715 from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 715's status (including existence, termination or merger with or into another LOCAL), all references to LOCAL 715's funds, and all references to LOCAL 715's officers and/or trustees. This request specifically includes all versions of LOCAL 715's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 13:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 521's status (including its creation, existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers and/or trustees. This request specifically includes all versions of LOCAL 521's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 14:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from January 1, 2006 to the present including, without limitation, all links from the website to other sites, all references to SEIU-UHW's status in any capacity as representative of any employees of RESPONDENT, and all references to SEIU-UHW's receipt of funds from



SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 16:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 521 regarding LOCAL 521's website and/or changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 17:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 18:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 19:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 20:**

Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 21:**

Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's representation of LOCAL 715 from January 2007 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 22:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 715.

**REQUEST FOR PRODUCTION NO. 23:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 521

**REQUEST FOR PRODUCTION NO. 24:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's transfer and/or payment of funds to SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 25:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 26:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU LOCAL 1877 or its successor or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 27:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 28:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 29:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 521 between July 1, 2006 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 30:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for SEIU-UHW between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 31:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007

including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 32:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 521 held between July 1, 2006 and June 9, 2007 including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 33:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for SEIU-UHW held between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 34:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 35:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's annual budget and/or budgets covering and/or applicable to calendar years 2007 and 2008 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 38:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 521 (including, without limitation, all regular and special general membership meetings) held between January 1, 2007 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 39:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for SEIU-UHW (including, without limitation, all regular and special general membership meetings) which reference in any manner the representation of any employees of RESPONDENT and were held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 40:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 41:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 521 showing all dues receipts deposits in accounts held by LOCAL 521 received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 43:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 44:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 45:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 46:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 47:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by LOCAL 521 to provide services RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 48:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 49:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 50:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 51:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 52:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 53:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 54:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 55:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 56:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 57:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).



**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **May 16, 2008**, I served the foregoing document(s) described as: **SUBPOENA IN A CIVIL CASE** on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

\*Attorneys for Petitioner SERVICE  
EMPLOYEES INTERNATIONAL  
UNION LOCAL 715

Bruce A. Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

X BY MAIL

x I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Francisco, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **May 16, 2008**, at **San Francisco, California**.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
TERESA SCHUMAN

085-0237-0080

Attorney or Party without Attorney: <b>EILEEN R. RIDLEY</b> <b>FOLEY &amp; LARDNER, LLP</b> <b>ONE MARITIME PLAZA</b> <b>6th FLOOR</b> <b>SAN FRANCISCO, CA 94111</b> Telephone No: 415-434-4484 FAX No: 415-434-4507		For Court Use Only			
Attorney for: Plaintiff				Ref. No. or File No.: <b>085437-3080</b>	
Insert name of Court, and Judicial District and Branch Court: <b>United States District Court Northern District Of California</b>					
Plaintiff: <b>SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715</b> Defendant: <b>STANFORD HOSPITAL &amp; CLINICS, et al.</b>					
<b>PROOF OF SERVICE</b> <b>SUBPOENA - CIVIL CASE</b>		Hearing Date: <b>Wed, Jun. 18, 2008</b>	Time: 	Dept/Div: 	Case Number: <b>5:08-CV-00213-JF</b>

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUBPOENA IN A CIVIL CASE

3. a. Party served:

b. Person served:

SEIU/UNITED HEALTH CARE WORKERS WEST LOCAL 2005

"JANE DOE", RECEPTIONIST-PLACED DOCUMENTS IN BOX FOR LEGAL DEPARTMENT, African-American, Female, 40 Years Old, Black Hair, Brown Eyes, 5 Feet 7 Inches, 140 Pounds

4. Address where the party was served:

560 THOMAS L. BERKLEY WAY  
OAKLAND, CA 94612

5. I served the party:

a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Fri., May. 16, 2008 (2) at: 3:25PM

b. I received this subpoena for service on: Friday, May 16, 2008

6. Witness fees were not demanded or paid.

7. Person Who Served Papers:

a. RAIMUNDO CARVALHO

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. **The Fee for Service was:**

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: 2005-0000968-00

(iii) County: San Francisco



**First Legal Support Services**

ATTORNEY SERVICES

1138 HOWARD STREET  
San Francisco, CA 94103  
(415) 626-3111, FAX (415) 626-1331

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Mon, May. 19, 2008

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
DISTRICT OF COLUMBIA

SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 715  
V.

**SUBPOENA IN A CIVIL CASE**

STANFORD HOSPITAL & CLINICS and LUCILE  
PACKARD CHILDREN'S HOSPITAL

Case Number:<sup>1</sup> MISC.  
Northern District of California  
Case No. 5:08-CV-00213-JF

TO: SEIU International  
1800 Massachusetts Avenue, NW  
Washington, DC 20036

☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):


[See Attachment "A"]

PLACE Foley & Lardner LLP, 3000 K St. NW, Suite 500, Washington, DC 20007-5143	DATE AND TIME June 18, 2008
---	--------------------------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) 	DATE May 15, 2008
--	----------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley & Lardner LLP, One Maritime Plaza, Sixth Floor, San Francisco, CA 94111  
Telephone: (415) 434-4484

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**Attachment "A"**

**DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions apply throughout this demand for identification and production, unless the context clearly indicates otherwise:

- A. "YOU" and "YOUR" shall mean and include SEIU INTERNATIONAL and any of its agents, affiliates, representatives, or any other person or entity acting on its behalf.
- B. This demand requires that YOU identify and produce all DOCUMENTS and WRITINGS responsive to the following numbered demands which are in YOUR possession or control or subject to YOUR control, wherever they may be located. The DOCUMENTS and WRITINGS which YOU must identify and produce include not only writings which YOU presently possess, but also writings which YOU are aware of (regardless of whether they are in YOUR possession or not), DOCUMENTS and WRITINGS that are in the possession or control of YOUR attorneys, accountants, bookkeepers, employees, representatives, or anyone else acting on YOUR behalf.
- B. YOU are requested to produce all DOCUMENTS and WRITINGS which are responsive to the following numbered demands for inspection and photocopying at the law offices of Foley & Lardner LLP, located at 3000 K Street NW, Suite 500, Washington, D.C. 20007-5143 on June 18, 2008 (or 30 days after service of this demand, or the next business day if that day falls on a Saturday, Sunday or court holiday).
- C. All DOCUMENTS and WRITINGS which are responsive in whole or in part to the following numbered demand shall be produced in full, without abridgment, abbreviation or expurgation of any sort. If any such DOCUMENTS and WRITINGS cannot be produced in full, produce the DOCUMENT and/or WRITING to the greatest extent possible and

indicate in YOUR written response what portion of the DOCUMENT and/or WRITING is not produced and why it could not be produced.

D. The term "DOCUMENT" as used herein means and includes any and all documents, tangible things, and all WRITINGS of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, and includes, without limitation, agreements, purchase orders, invoices, receipts, accounting records, contracts, bills of lading, shipping records, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, telex, faxes, minutes, contracts, reports, studies, statements, summaries, interoffice and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, computer printouts, tape recordings, audiotapes, videotapes, charts, graphs, and electronic, mechanical or electronic records, compact discs, computer discs, computer tapes, computer software, electronically stored media, and any other form of stored information. The term "WRITINGS" as used herein means and includes the definition of that term under Federal Rule of Evidence ("FRE") Rule 1001(1).

E. YOU are required to produce not only the original or an exact copy of the original of all DOCUMENTS and WRITINGS responsive to the following numbered demands, but also all copies of such DOCUMENTS and WRITINGS which bear any notes or markings not found on the originals and all preliminary, intermediate, final, and revised drafts of said DOCUMENTS and WRITINGS.

F. If YOU are not producing any DOCUMENT or WRITING responsive to any of the numbered demands below on the basis of a claimed privilege, or for any other reason, state the following information:

1. Describe the DOCUMENT and/or WRITING with specificity;



2. Identify the privilege claimed or other reason why the DOCUMENT and/or WRITING is not produced;
3. State the names and capacities of all persons who participated in the preparation of the DOCUMENT and/or WRITING; and
4. State the names and capacities of all persons to whom the DOCUMENT and/or WRITING was circulated or its contents communicated.

G. "RELATING TO" or "RELATE(S) TO" are used in their broadest sense and means referring to, describing, evidencing, containing, supporting, rebutting, reflecting, refuting, negating, pertaining to, comprising, memorializing, identifying, verifying, and/or in any way involving or having a logical connection to the subject matter of the request, in whole or in part.

H. "COMPLAINT" means the operative complaint filed in the above captioned action.

I. "RESPONDENT" means Stanford Hospital & Clinics and Lucile Packard Children's Hospital.

J. "LOCAL" means any local union or labor organization affiliated with the Service Employees International Union ("SEIU").

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1:**

Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

**REQUEST FOR PRODUCTION NO. 2:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 3:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of LOCAL 521, whether by that name or by other reference to the entity which became LOCAL 521 when chartered by SEIU International, regarding any employees of RESPONDENT from June 30, 2005 to the present.

**REQUEST FOR PRODUCTION NO. 4:**

Produce all DOCUMENTS and WRITINGS RELATING TO the present or future representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30 2005 to the present.

**REQUEST FOR PRODUCTION NO. 5:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU International official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 6:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its



termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 7:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 8:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**REQUEST FOR PRODUCTION NO. 9:**

Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any funds (including, without limitation, dues payments) RELATING TO LOCAL 715 (including, without limitation, all deposits, payments and transfers of said funds) from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 10:**

Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of LOCAL 715 from January 2006 to the present (including, without limitation, all reports and monitoring activities of said affairs and transactions).

**REQUEST FOR PRODUCTION NO. 11:**

Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of a trusteeship for LOCAL 715 from January 2007 to the present.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 715's status (including existence, termination or merger with or into another LOCAL), all references to LOCAL 715's funds, and all references to LOCAL 715's officers and/or trustees. This request specifically includes all versions of LOCAL 715's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 13:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 521's status (including its creation, existence, or merger with other LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers and/or trustees. This request specifically includes all versions of LOCAL 521's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 14:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from January 1, 2006 to the present including, without limitation, all links from the website to other sites, all references to SEIU-UHW's status in any capacity as representative of any employees of RESPONDENT, and all references to SEIU-UHW's receipt of funds from

SEIU-LOCAL 715 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 16:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 521 regarding LOCAL 521's website and/or changes thereto from January 1, 2007 to the present.

**REQUEST FOR PRODUCTION NO. 17:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 18:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 19:**

Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 20:**

Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 21:**

Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's representation of LOCAL 715 from January 2007 to the present. This request does not seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to represent LOCAL 715.

**REQUEST FOR PRODUCTION NO. 22:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 715.

**REQUEST FOR PRODUCTION NO. 23:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 521

**REQUEST FOR PRODUCTION NO. 24:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's transfer and/or payment of funds to SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 25:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU-UHW.

**REQUEST FOR PRODUCTION NO. 26:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU LOCAL 1877 or its successor or affiliated LOCALS.

**REQUEST FOR PRODUCTION NO. 27:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 28:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 29:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for LOCAL 521 between July 1, 2006 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 30:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for SEIU-UHW between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 31:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007

including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 32:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for LOCAL 521 held between July 1, 2006 and June 9, 2007 including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 33:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for SEIU-UHW held between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**REQUEST FOR PRODUCTION NO. 34:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 35:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's annual budget and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's annual budget and/or budgets covering and/or applicable to calendar years 2007 and 2008 or any portion thereof.

**REQUEST FOR PRODUCTION NO. 37:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 715 (including, without limitation, all regular and special general membership meetings) held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 38:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for LOCAL 521 (including, without limitation, all regular and special general membership meetings) held between January 1, 2007 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 39:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for SEIU-UHW (including, without limitation, all regular and special general membership meetings) which reference in any manner the representation of any employees of RESPONDENT and were held between July 1, 2005 and June 9, 2007.

**REQUEST FOR PRODUCTION NO. 40:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 715 showing all dues receipts deposits in accounts held by LOCAL 715 from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 41:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL 521 showing all dues receipts deposits in accounts held by LOCAL 521 received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 43:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 44:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 45:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 46:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**REQUEST FOR PRODUCTION NO. 47:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by LOCAL 521 to provide services RELATING TO the representation of any employees of RESPONDENT.



**REQUEST FOR PRODUCTION NO. 48:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 49:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 50:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 51:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 52:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 53:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 54:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 55:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**REQUEST FOR PRODUCTION NO. 56:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**REQUEST FOR PRODUCTION NO. 57:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **May 16, 2008**, I served the foregoing document(s) described as: **SUBPOENA IN A CIVIL CASE** on the interested parties in this action as follows:

X BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

\*Attorneys for Petitioner SERVICE  
EMPLOYEES INTERNATIONAL  
UNION LOCAL 715

Bruce A. Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

X BY MAIL

x I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Francisco, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **May 16, 2008**, at **San Francisco, California**.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

*Teresa Schuman*

TERESA SCHUMAN

Attorney or Party without Attorney: <b>EILEEN R. RIDLEY</b> <b>FOLEY &amp; LARDNER, LLP</b> <b>ONE MARITIME PLAZA</b> <b>6th FLOOR</b> <b>SAN FRANCISCO, CA 94111</b> Telephone No: 415-434-4484 FAX No: 415-434-4507				For Court Use Only	
Attorney for: <b>Plaintiff</b>		Ref. No. or File No.: <b>085437-3080</b>			
Insert name of Court, and Judicial District and Branch Court: <b>United States District Court Northern District Of California</b>					
Plaintiff: <b>SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715</b> Defendant: <b>STANFORD HOSPITAL &amp; CLINICS, et al.</b>					
<b>PROOF OF SERVICE</b> <b>SUBPOENA - CIVIL CASE</b>		Hearing Date: <b>Wed, Jun. 18, 2008</b>	Time:	Dept/Div:	Case Number: <b>5:08-CV-00213-JF</b>

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUBPOENA IN A CIVIL CASE

3. a. Party served:

SEIU INTERNATIONAL

b. Person served:

ANGELA THOMPSON, AUTHORIZED TO ACCEPT

4. Address where the party was served:

1800 MASSACHUSETTS AVENUE NW  
 WASHINGTON, DC 20036

5. I served the party:

a. by **personal service**. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Mon., May. 19, 2008 (2) at: 3:50PM

b. I received this subpoena for service on: Friday, May 16, 2008

6. Witness fees were not demanded or paid.

7. Person Who Served Papers:

a. BRANDON A. SNESKO

Recoverable Cost Per CCP 1033.5(a)(4)(B)

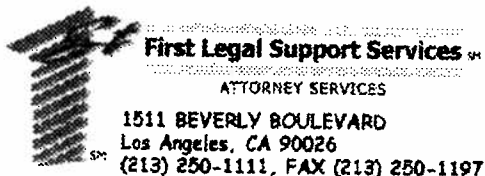
d. The Fee for Service was:

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.:

(iii) County: WASHINGTON, DC



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, May. 20, 2008

**FIRST LEGAL SUPPORT SERVICES**1511 BEVERLY BOULEVARD  
LOS ANGELES CA 90026

136321.134639

6419784

Phone: (213) 250-1111, FAX: (213) 250-1197

b38. Aaron Daniel

Assigned To: BRANDON A. SNESKO

Received: 05/16/08 Type of Service: Normal Special: No

Client: FOLEY & LARDNER, LLP Client ID: FOLLA-SF

Attention: /EILEEN R. RIDLEY

Address 1: ONE MARITIME PLAZA Fax: 415-434-4507 Phone: 415-434-4484

Address 2: 6th FLOOR

City, State Zip: SAN FRANCISCO, CA 94111 Attorney File No: 085437-3080

Plaintiff SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715

Defendant STANFORD HOSPITAL & CLINICS, et al.

Representing: Plaintiff Case Number: 5:08-CV-00213-JF

Court: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

Hearing Date: 06/18/08 Status: 05/21/08 Last Day to Serve: Last Day to Sub:

Serve Docs To: SEIU INTERNATIONAL(134958)

Description: Race: , Sex: , Age: , Hair: , Eyes: , Height: , Weight:

Addresses: Business, 05/22/08

1800 MASSACHUSETTS AVENUE NW  
WASHINGTON, DC 20036

Documents: SUBPOENA IN A CIVIL CASE;

Loc	Date	Time	Server	Code	Comments

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Served At: [H]ome, [B]usiness, or [U]sual Place of Mailing [X] For Changes Above in Address Boxes

(3.b.)Person Served Witness Fees: \$

Race: , Sex: , Age: , Hair: , Eyes: , Height: , Weight:

Relationship (3.b.)By Leaving Copies With

Mailed From Mailed Date Time

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## **EXHIBIT D**



**SEIU LEGAL DEPARTMENT**  
**FAX TRANSMISSION COVER SHEET**

*Date: 27 May 2008*

*To: Eileen Ridley, Esq.*

*Fax: 415/434-4507*

*From: Norman Gleichman, Esq.*  
*Deputy General Counsel*

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

---

**YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL Cheryl E. Alston AT (202) 730-7466**

---

**Comments:**

---

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INTERNATIONAL UNION  
CTW, CLC

1800 Massachusetts Ave NW  
Washington DC 20036

202.730.7000

TDD: 202.730.7481

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4944-9004

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May 27, 2008

**VIA FACSIMILE AND REGULAR MAIL**

Eileen Ridley, Esq.  
Foley & Lardner LLP  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111

Re: Objections to Subpoenas - SEIU Local 715 v. Stanford  
Hospital & Clinics and Lucile Packard Children's Hospital  
– Case Nos. 5:07-cv-5158-JF; 5:08-cv-00213-JF; 5:08-cv-  
00215-JF; 5:08-cv-00216-JF; 5:08-CV-01727-JF; 5:08-  
CV-01726-JF

Dear Ms. Ridley:

The undersigned represents Service Employees International Union ("SEIU"). SEIU is in receipt of six sets of what appear to be identical subpoenas in the above-referenced matters. Each subpoena sets forth 57 categories of documents to be produced. In accordance with Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure, SEIU hereby objects to the production of the documents listed in the subpoenas.

As I understand it, the matter at issue involves suits to compel arbitration or vacate an arbitration award involving SEIU Local 715. The subpoenas appear to seek documents that have nothing to do with the subject matter of the litigation and are not reasonably calculated to lead to the discovery of admissible evidence. In addition, it would appear that much of the documentation sought can be obtained from the party to the lawsuit, SEIU Local 715. Although Local 715 is an affiliate of SEIU, it is a separate labor organization. SEIU is not a party to this litigation, and is not the custodian of records for Local 715 or its other affiliates. SEIU objects to the subpoenas in part on the basis that it appears that many of the requests ask for information that is not in the SEIU's control, custody or possession. Other requests for production included in the subpoenas are vague, unduly burdensome or overbroad. As a whole, the subpoenas do not comply with Rule 45(c)(1) of the Federal Rules of Civil Procedure.

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

EUSEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

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Eileen R. Ridley, Esq.  
May 27, 2008  
Page 2

It may be that SEIU would be able to supply you with a limited set of documents in response to a narrower set of requests. I will be out of the office between May 27 and June 6, 2008, preparing for and attending SEIU's quadrennial convention. I would be happy to discuss this with you upon my return to the office on June 9, 2008. You can reach me on 202-730-7470.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Norman M. Gleichman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Norman M. Gleichman  
Deputy General Counsel



FOLEY & LARDNER LLP

**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 9, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094 and  
3097

Mr. Norman M. Gleichman  
Deputy General Counsel  
Service Employees International Union  
1800 Massachusetts Ave NW  
Washington, D.C. 20036

Re: Subpoenas - *SEIU Local 715 v. Stanford Hospitals & Clinics  
and Lucille Packard Children's Hospital* - U.S. Dist. Ct.  
Northern Dist. of CA Case Nos.: 5:07-cv-5158-JF, 5:08-cv-  
00213-JF, 5:08-cv-00215-JF, 5:08-cv-00216-JF, 5:08-cv-  
01727-JF, and 5:08-cv-01726-JF

Dear Mr. Gleichman:

This will respond to your letter of May 27, 2008 regarding the subpoenas issued by my clients, Stanford Hospitals & Clinics and Lucille Packard Children's Hospital (the "Hospitals"). I understand you will be out of the office until June 9, 2008. I look forward to working with you at that time regarding Service Employees International Union's ("SEIU") response and production to the subpoenas.

First, the documents requested in the subpoenas generally concern the existence of Local 715, its representative capacity, and the use and handling of its various resources. These are all issues with relevance to the above-captioned actions. Moreover, the Court presiding over these matters expressly agreed the Hospitals could seek such discovery in the actions. Thus, the subject matter of the subpoenas is not objectionable.

Second, while the information/documents requested may not be in the control, custody or possession of SEIU, the Hospitals are entitled to a response to each request indicating whether or not SEIU has responsive documents or not. If SEIU has no responsive documents in its control, custody or possession, that is an appropriate and informative response. Moreover, while some documentation may also be in the control, custody or possession of other entities (whether parties to the litigation or not), the Hospitals are entitled to SEIU's response as SEIU may also have the documents and the fact that such materials are held by SEIU is itself a discoverable matter.

Third, your letter states that "other requests are vague, unduly burdensome or overbroad" but you do not identify the request(s) to which you are referring. Such a general objection is neither appropriate nor responsive.

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SAN DIEGO  
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SAN FRANCISCO  
SHANGHAI  
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TALLAHASSEE  
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TOKYO  
WASHINGTON, D.C.



FOLEY & LARDNER LLP

Mr. Norman M. Gleichman  
June 9, 2008  
Page 2

Finally, you contend that the subpoenas do not comply with Rule 45(c)(1) of the Federal Rules of Civil Procedure which requires issuing parties to avoid undue burden to the party to which the subpoena is directed. However, as mentioned previously, the subject matter of the requests was specifically permitted by the Court. Moreover, if – in fact – SEIU has no responsive documents in its control, custody or possession, there is no burden in responding to each request to that effect. We suspect that that is not the case as SEIU was involved, at the very least, in the institution of the trusteeship regarding Local 715 and therefore would have responsive materials to many (if not all) of the requests. We are, of course, willing to work with SEIU to ensure its timely production of responsive documents. If you are concerned regarding the quantity of responsive documents to the requests, please inform us as to the nature of SEIU's production so that we may address any logistical and/or expense issues that may arise. While we are certainly willing to work with you regarding SEIU's response and production, the Hospitals will insist on an appropriate response and production to each of the requests in the subpoenas<sup>1</sup>.

I look forward to working with you regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ER Ridley', with a long, sweeping flourish extending to the right.

Eileen R. Ridley

---

<sup>1</sup> While the Hospitals served a subpoena on SEIU in each of the six pending actions, SEIU need only produce one set of documents which will be deemed to be a production in all actions.



## SEIU LEGAL DEPARTMENT FAX TRANSMISSION COVER SHEET

Date: 16 June 2008

To: Eileen Ridley, Esq

Fax: 415/434-4507

From: Norman Gleichman, Esq.  
Deputy General Counsel

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

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Comments:

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June 16, 2008

VIA FACSIMILE TO 415-434-4507 AND REGULAR MAIL

Eileen Ridley, Esq.  
Foley & Lardner LLP  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111

Re: SEIU Local 715 v. Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital – Case Nos. 5:07-cv-5158-  
JF; 5:08-cv-00213-JF; 5:08-cv-00215-JF; 5:08-cv-00216-  
JF; 5:08-CV-01727-JF; 5:08-CV-01726-JF

Dear Ms. Ridley:

I have your letter of June 9, 2008. I telephoned your office today and got your voice mail; your message indicated that you would not be returning to the office until June 18, 2008. That is the return date on the subpoenas that are the subject of our previous correspondence.

I suggest a two-week extension of time (until June 30, 2008) for responding to the subpoenas, which will give us sufficient time to resolve the issues raised in SEIU's objection and the Hospitals' response.

Upon your return, please give me a call, and we can discuss this request and also the deposition subpoenas for President Stern that were served earlier today.

Sincerely yours,

Norman M. Gleichman  
Deputy General Counsel

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

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415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 17, 2008

VIA U.S. MAIL

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081,  
3083, 3094 and 3097

Mr. Norman M. Gleichman  
Deputy General Counsel  
Service Employees International Union  
1800 Massachusetts Ave NW  
Washington, D.C. 20036

Re: Subpoenas - *SEIU Local 715 v. Stanford Hospital & Clinics*  
*and Lucile Packard Children's Hospital* - U.S. Dist. Ct.  
Northern Dist. of CA Case Nos.: 5:07-cv-5158-JF, 5:08-cv-  
00213-JF, 5:08-cv-00215-JF, 5:08-cv-00216-JF, 5:08-cv-  
01727-JF, and 5:08-cv-01726-JF

Dear Mr. Gleichman:

This is in reference to your letter to Eileen Ridley dated June 16, 2008, and will confirm my voicemail left with you yesterday evening. As Ms. Ridley is presently out of the office, I am responding on her behalf. You have requested an extension of the time in which to respond to the subpoenas in the above-referenced cases, presently set for June 18, 2008. We would be willing to extend the response date to June 23, 2008.

Ms. Ridley will be available to discuss any issues relating to the subpoenas upon her return to the office on June 18, 2008.

Yours truly,

Scott P. Inciardi

cc: Eileen Ridley  
Laurence Arnold

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TOKYO  
WASHINGTON, D.C.



## SEIU Legal Department

1800 Massachusetts Avenue  
Washington, DC 20036  
Tel: 202/730-7000  
Fax: 202/429-5565

### FAX TRANSMISSION COVER

**DATE:** June 23, 2008

**TO:** Eileen Ridley, Esq.

**FAX:** 415-434-4507

**FROM:** Norman Gleichman

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary/Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

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#### Comments:

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June 23, 2008

**VIA FACSIMILE TO 415-434-4507 AND REGULAR MAIL**

Eileen Ridley, Esq.  
Foley & Lardner LLP  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111

Re: SEIU Local 715 v. Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital – Case Nos. 5:07-cv-5158-  
JF; 5:08-cv-00213-JF; 5:08-cv-00215-JF; 5:08-cv-00216-  
JF; 5:08-CV-01727-JF; 5:08-CV-01726-JF

Dear Ms. Ridley:

As you know, despite your best efforts and mine, we have not yet been able to have a conversation concerning the subpoenas in the above-referenced matters. I telephoned your office this morning and learned from your voicemail message that you will be out of the office today and tomorrow, and will not be returning until June 25, 2008.

Per Mr. Inciardi's letter of June 17, 2008, today was to be response date for the subpoenas. Given that we have not yet spoken, SEIU will need a further extension so that we can resolve the issues relating to the subpoenas.

Please give me a call at your convenience, and we can discuss this matter.

Sincerely yours,

Norman M. Gleichman  
Deputy General Counsel

SERVICE EMPLOYEES  
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1900 Massachusetts Ave NW  
Washington DC 20036

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**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Thursday, June 26, 2008 11:01 AM  
**To:** Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Order of Emergency Trusteeship Appointing a Trustee to Take Charge and Control of the Affairs of Service Employees International Union, Local 715.pdf; December 19, 2007 Letter from B.W. Smith to Laurie Quintel.pdf; February 12, 2008 Letter from B.W. Smith to Laurie Quintel.pdf; Form LM-15 Trusteeship Report.pdf; In re SEIU Local Union Jurisdiction in California - Hearing Officers' Joint Report and Recommendations.pdf; June 8, 2007 Appointment of Bruce W. Smith as Trustee of SIEU Local 715 by Andrew L. Stern.pdf; June 11, 2006 Memorandum re IEB Decision on California Jurisdiction.pdf; Notice of Hearing, Appointment of Hearing Officer and Rules of Procedure.pdf

**From the Desk of:** Eileen R. Ridley

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*Eileen*



---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:47 PM  
**To:** [norm.gleichman@seiu.org](mailto:norm.gleichman@seiu.org)  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated

Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations

7/2/2008

June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources. Please provide us with available dates for these proceedings. Thanks very much.

7/2/2008

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:14 PM  
**To:** Arnold, Laurence R.; Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Final Signed Report & Recommendation.pdf; KS Letter Requesting Trusteeship.pdf; Signed HO Report - 8-13-07.pdf; Stanford Hosp Servicing Agreement.pdf; Order of Reorganization.pdf; Form LM-15 Trusteeship Report May 2008.pdf; Letter to Bruce Smith 6-8-2007.pdf; Letter to Bruce Smith 8-23-2007.pdf; Letter to Clarence Dodge March 1972.pdf

---

**From:** Norman Gleichman [mailto:Norman.Gleichman@seiu.org]  
**Sent:** Tuesday, July 01, 2008 1:18 PM  
**To:** Ridley, Eileen R.  
**Subject:** RE: Local 715 v. SHC/LPCH - Documents To Be Authenticated

Dear Ms. Ridley:

I have reviewed your e-mail and the documents you have forwarded with your request that SEIU authenticate them.

First, I wish to reiterate SEIU's position, stated in SEIU's objection dated May 27, 2008, that the subpoenas do not comply with Rule 45(c) of the Federal Rules of Civil Procedure. As I understand it from your communications to date, the Court in this matter has permitted discovery on the narrow question of the existence of Local 715. You have not supplied me with the Court's discovery order, but I assume you have accurately described it.

It is well settled that no formal structure or financing arrangement is required to meet the definition of "labor organization" under the National Labor Relations Act. Thus, a group of employees can constitute a labor organization without officer elections or elected officials, membership meetings, a dues structure, or a set of bylaws. All that is required is employee participation for the purpose of dealing with employers over wages, hours, or terms and conditions of employment. See, e.g., *Sahara Datsun v. NLRB*, 811 F.2d 1317 (9th Cir. 1987); *Polaroid Corp.* 329 NLRB 424 (1999).

Against this backdrop, your subpoena goes far beyond the narrow area of inquiry open to you concerning the issue of the existence of Local 715. As just one example, the identity of the counsel selected to represent Local 715, a subject of the Hospitals' requests for production nos. 1, 20 and 21, is completely irrelevant to the question whether Local 715 exists. Without limitation, the same is true regarding financial transactions regarding Local 715, other SEIU local unions, or SEIU. See request nos. 19, 22-27, 56-57. In sum, these subpoenas constitute an obvious fishing expedition having nothing whatever to do with the question of Local 715's existence.

The subpoenas are also unduly burdensome, in violation of the Federal Rules. The requests are so broadly worded that they would require virtually every piece of written communication to Local 715 to be produced. See, without limitation, request nos. 5, 7, 8, 9 and 10. In this connection, you are advised that SEIU does not maintain a central filing system where documents are uniformly and systematically maintained according to subject matter or other categories. Instead, files and records are kept separately in SEIU's numerous separate departments and regional offices, as well as by individual staff members within those departments. The record retention policies, protocols and categories, if any, used in those separate departments and regional offices are not necessarily compatible. Additionally, a significant volume of SEIU files are not readily accessible because they have been boxed and transferred to an outside archive. Accordingly, the requests detailed herein and similar requests would require SEIU to spend countless hours locating and combing through thousands of separate, uncatalogued files maintained in separate Departments and offices, as well as to retrieve and review files boxed and stored in the

7/2/2008

outside archives, simply to determine whether they contain any material falling within the scope of the subpoena. This search would have to be performed manually. The expense to the SEIU in personnel time and archives retrieval charges would be enormous. The subpoena imposes a substantial additional burden on the SEIU in that its personnel would be precluded from carrying out the essential business of SEIU while deployed in the document search demanded by the Hospitals.

The sweeping scope of the subpoenas would force SEIU to divulge SEIU and its members communications on all issues, deliberations, and other activity protected by the First Amendment, including but not limited to SEIU's and its members exercise of the right to freedom of association and freedom of speech. Moreover, while the subpoenas would force the SEIU to mount an expensive, time-consuming records search, that effort will yield little, if any relevant material given the definition of labor organization under the NLRA.

Furthermore, as indicated in SEIU's objection, SEIU does not have custody of much of the documentation your subpoena seeks. I repeat that SEIU is not a party to these actions, and under the Labor Management Reporting and Disclosure Act is not the same labor organization as its affiliated local unions.

Nevertheless, without waiving its stated objections to the subpoenas, in an effort to reach agreement on issues raised by the subpoenas, SEIU further responds to your request as follows:

SEIU is agreeable to stipulating to the authenticity of the following documents:

- Order of Emergency Trusteeship dated June 8, 2007
- Form LM-15 Trusteeship Report
- Memorandum from Andrew L. Stern re: trusteeship of Local 715, dated June 8, 2007
- Notice of Hearing signed by Anna Burger dated July 12, 2007
- Memorandum from Andrew L. Stern re: IEB Decision on California Jurisdiction dated June 11, 2006

SEIU is unable to stipulate to the authenticity of the following documents for the reasons given:

- Letter from B.W. Smith to Laurie Quintel dated December 19, 2007. This letter was purported issued by Local 715, and Local 715 is the entity that would be in a position to authenticate this document.
- Letter from B.W. Smith to Laurie Quintel dated February 12, 2008. See comment above.
- Hearing Officers' Joint Report and Recommendations. The version you sent to me is unsigned.

Without waiving SEIU's previously stated objections to your subpoena, SEIU is producing herewith the following additional documents that are covered by the subpoena:

- Signed Hearing Officers' Joint Report and Recommendations dated June 9, 2006
- Order of Reorganization signed by Andrew Stern dated January 2, 2007
- Hearing Officer's Report on Local 715 trusteeship dated August 13, 2007
- Letter from Kristina Sermersheim to Andrew Stern dated June 4, 2007
- Letter to Bruce Smith from Andrew L. Stern dated June 8, 2007
- Letter to Clarence Dodge from George E. Fairchild dated March 2, 1972
- Letter to Bruce Smith from Anna Burger dated August 23, 2007
- Servicing Agreement between Local 715 and UHW
- Form LM-15 Trusteeship Report May 2008

SEIU will further stipulate that the hearing officers' reports attached hereto were duly approved by the SEIU International Executive Board.

With respect to taking President Stern's deposition, I am advised that President Stern will be out of the country between July 9 and July 20, and will not be available prior to his departure. However, I can make his assistant James J. Johnston available in his place. Mr. Johnston recently served as SEIU California Area Director and is currently Director of Union-Wide Programs. By virtue of holding these positions, Mr. Johnston is knowledgeable about the existence of Local 715. Mr. Johnston is available on July 10 and 11. Our preference would be July 10. Please note that Mr. Johnston may only be questioned on the narrow issue about which I understand the Court has permitted discovery: the existence of Local 715.

With respect to Greg Pullman, you seemed surprised when I advised you that has been an International Union employee since November 2006. Yet Mr. Pullman testified to this in his deposition which the Hospitals took on March 22, 2007, at which he answered questions related to the 2006 SEIU reorganization in California. It would plainly be improper, oppressive and vexatious to depose Mr. Pullman again on the same issue. Please let me know specifically why the Hospitals seek to depose Mr. Pullman.

Yours,

Norman M. Gleichman  
Deputy General Counsel

---

**From:** Ridley, Eileen R. [mailto:ERidley@foley.com]  
**Sent:** Thu 6/26/2008 2:47 AM  
**To:** Norman Gleichman  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated



Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations

□

June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

□

7/2/2008

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources, Please provide us with available dates for these proceedings. Thanks very much.



The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

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## **EXHIBIT E**



05-28-2008 17:04

From Weinberg, Roger &amp; Rosenfeld

3371023

T-484 P.001/002 F-017

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. BOKOR  
VINCENT A. HARRINGTON, JR.  
W. DANIEL BOONIC  
BLYTHE MICHELSON  
BARRY E. HINKLE  
JAMES RUTKOWSKI  
SANDRA RAE BENSON  
CHRISTIAN L. KASNER  
JAMES J. WEBBER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
ASHLEY K. KEDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
J. FLUX DE LA TORRE  
KRISTINA L. HILLMAN  
ANDREA LAJACONA  
EMILY P. RICH

**WEINBERG, ROGER & ROSENFELD**  
A PROFESSIONAL CORPORATION

Post-it* Fax Note	7671	Date	# of pages ▶
To <i>Eileen R. Ridley</i>		From <i>Andrew Lardner</i>	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # <i>415 434 4807</i>		Fax #	

LORI K. AQUINO  
ANNIE L. YEN  
NICOLE M. PHILLIPS  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CARSEN P. SENIOR  
UNELLE E. MOGADO  
MANJARI CHAMLA  
KRISTINA M. ZIMMER  
JANNAH V. MANANSALA  
MARCUS A. BOGUS  
KERRANNE R. STICKE  
ANA M. GALLISOR  
BARRY P. PROVENCER

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Idaho

May 29, 2008

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: SEIU, Local 715 v. Stanford Hospital & Clinics and Lucile Packard Children's Hospital;  
Objections to Subpoena Duces Tecum  
C-07-CV-5158; 5:08-CV-00213; 5:08-CV-00215; 5:08-CV-00216; 5:08-CV-01727;  
5:08-CV-01726

Dear Ms. Ridley:

The undersigned represents SEIU Local 521 and therefore submits these written objections in accordance with Federal Rules of Civil Procedure 45(c)(B). These objections are timely because the above referenced civil subpoena appears to have been issued May 15, 2008, and delivered to SEIU Local 521 on or about May 19, 2008.

The subpoenas appear to be abusively drawn. As I am sure that you are aware, the misuse of subpoenas may result in sanctions or tort liability. Rule 45(c) of the Federal Rules of Civil Procedure specifically address this issue, cautioning that an "attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing under burden or expense on a person subject to the subpoena." The Rule continues with the warning that the "issuing court *must* enforce this duty and impose an appropriate sanction – which may include lost earnings and reasonable attorney's fees – on a party or attorney who fails to comply." (Emphasis added.)

Stanford Hospital & Clinics and Lucile Packard Children's Hospital's has requested 57 categories of documents. I understand that your client has requested the same 57 categories of documents from the Plaintiff in this case. Most, if not all, make little if any sense, and are extremely overbroad. In addition, I understand the Local 715 CBA is set to expire, and wonder if this effort to obtain information by abusing the subpoena process in an effort to gain an upper hand in contract negotiations.

SEIU Local 521 objects to the civil subpoena because, as I understand, it is duplicative of Plaintiff's Request For Production of Documents (Set No. One). SEIU Local 521 also objects to the information sought in the subpoena as irrelevant, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Finally, SEIU Local 521



05-29-2008 17:04

From: Weinberg, Roger & Rosenfeld

3371023

T-484 P.002/002 F-017

May 29, 2008  
Eileen Ridley  
Page 2

objects to the subpoenas on the basis that it appears that many of the requests ask for information that are not in the SEIU Local 521's control, custody or possession.

In addition, your client is not entitled to documents covered by the work-product doctrine, the attorney-client privilege and trade secrets or other confidential information. *See Mallick v. IBEW*, 749 F.2d 771, 785 (D.C.Cir. 1984) (stating that if the IBEW could demonstrate that disclosure of information "would be comparable to, for example, a corporation's disclosure of trade secrets, confidential earnings projections, or the like, or a union's disclosure of organizing strategy, negotiating plans, or other secrets, then examination should be refused").

If you have any questions, please do not hesitate to contact me.

Sincerely,



Andrea Laiacona  
Andrea Laiacona

AL/sm  
opeiu 3 afl-cio(1)

05-29-2008 14:31

From-Weinberg, Roger &amp; Rosenfeld

3371023

T-474 P.001/003 F-009

**WEINBERG, ROGER & ROSENFELD**  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091

Voice: 510.337.1001

Fax: 510.337.1023

**DATE:** Thursday, May 29, 2008

Confirmation: rfb

**FROM:** William A. Sokol

**RE:** SEIU, Local 715 v. Stanford Hospital, et al.  
Objections to Subpoena Duces Tecum  
USDC Case Nos. C 07-5158; C 08-0213; C 08-0215; C 08-0216; C 08-1727; C 08-1726

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

<b>RECIPIENT:</b>	<b>FAX #</b>	<b>PHONE #</b>
Eileen Ridley Foley & Lardner	(415) 434-4507	(415) 438-6469

Total number of pages including this page: . 3  
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**PLEASE NOTE:** The information contained in this facsimile message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you have received this communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

05-29-2008 14:32

From: Weinberg, Roger &amp; Rosenfeld

3371023

T-474 P.002/003 F-009

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
VINCENT A. HARRINGTON, JR.  
W. DANIEL BOONE  
DLYTHE NICKELSON  
BARRY E. HINKLE  
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SANDRA RAE BENSON  
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ANTONIO RUIZ  
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**WEINBERG, ROGER & ROSENFELD**  
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1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

LARRY R. MAJIMA  
ANNE L. YEN  
NICOLE M. PHILLIPS  
BRUCE A. MARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SANCER  
LINELL S. MOCADO  
SARAH J. CHAMPA  
KRISTINA M. JENNEN  
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MANUEL A. BORGUES  
KERRIANNE R. STEELE  
ANA M. GALLEGO  
GARY P. PROVENCHER

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

— Also admitted in Arizona  
— Admitted in Hawaii  
— Also admitted in Nevada  
— Also admitted in Texas

May 29, 2008

Via Facsimile &amp; U.S. Mail

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: *SEIU, Local 715 v. Stanford Hospital, et al.*  
Objections to Subpoena Duces Tecum  
USDC Case Nos. C 07-5158; C 08-0213; C 08-0215; C 08-0216; C 08-1727; C 08-1726

Dear Ms. Ridley:

The undersigned represents SEIU UHW West and therefore submits these written objections in accordance with Federal Rules of Civil Procedure 45(c)(B). These objections are timely because the above referenced civil subpoena appears to have been issued May 15, 2008, and delivered to SEIU UHW West on or about May 19, 2008.

The subpoenas appear to be abusively drawn. As I am sure that you are aware, the misuse of subpoenas may result in sanctions or tort liability. Rule 45(c) of the Federal Rules of Civil Procedure specifically addresses this issue, cautioning that an "attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing under burden or expense on a person subject to the subpoena." The Rule continues with the warning that the "issuing court *must* enforce this duty and impose an appropriate sanction – which may include lost earnings and reasonable attorney's fees – on a party or attorney who fails to comply." (Emphasis added.)

Stanford Hospital & Clinics and Lucile Packard Children's Hospital's has requested at least 57 categories of documents. I understand that your client has requested the same 57 categories of documents from the Plaintiff in this case. Most, if not all, make little if any sense, and are extremely overbroad. In addition, I understand the Local 715 CBA is expiring on November 4, 2008, and wonder if this effort to obtain information by (mis)using the power of the subpoena is not an effort to gain an upper hand in contract negotiations, in violation of 29 USC 158(a)(1), (3), or (5).

SEIU UHW West objects to the civil subpoena because, as I understand, it is duplicative of Plaintiff's Request For Production of Documents (Set No. One). SEIU UHW West also objects

05-28-2008 14:32

From: Weinberg, Roger &amp; Rosenfeld

3371023

T-474 P.003/003 F-008

May 29, 2008  
Eileen Ridley  
Page 2

to the information sought in the subpoena as irrelevant, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Finally, SEIU UHW West objects to the subpoenas on the basis that it appears that many of the requests ask for information that is not in SEIU UHW West's control, custody or possession.

In addition, your client is not entitled to documents covered by the work-product doctrine, the attorney-client privilege and trade secrets or other confidential information. *See Mallick v. IBEW*, 749 F.2d 771, 785 (D.C.Cir. 1984) (stating that if the IBEW could demonstrate that disclosure of information "would be comparable to, for example, a corporation's disclosure of trade secrets, confidential earnings projections, or the like, or a union's disclosure of organizing strategy, negotiating plans, or other secrets, then examination should be refused").

Your request is an abuse of process and sanctionable. Please cease and desist from your mis-use of the discovery process. You have already had full discovery in the course of an NLRB hearing of all relevant information, and your attempt to obfuscate and delay these Petitions does not comport well with the intent of the Federal Rules of Civil Procedure.

Sincerely,

 *William A. Sokol*

William A. Sokol

WAS/rfb  
opeiu 3 afl-cio(1)

117443/495089



**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 9, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094, and  
3097

Andrea Laiacona  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: SEIU, Local 715 v. Stanford Hospital & Clinics and Lucille  
Packard Childrens' Hospital  
U.S. Dist. Ct. Northern Dist. Ca Case Nos. C-07-cv-5158,  
5:08-cv-00213, 5:08-cv-00215, 5:08-cv-00216, 5:08-cv-01727,  
and 5:08-cv-01726

Dear Ms. Laiacona:

This will respond to your letter of May 29, 2008 regarding the subpoenas issued by my clients, Stanford Hospitals & Clinics and Lucille Packard Childrens' Hospital (the "Hospitals") to SEIU, Local 521 ("Local 521").

First, the documents requested in the subpoenas generally concern the existence of Local 715, its representative capacity, the use and handling of its various resources, and the involvement of Local 521 regarding those subjects. These are all issues with relevance to the above-captioned actions. Moreover, the Court presiding over these matters expressly agreed the Hospitals could seek such discovery in the actions. You understand this fact as your office attended the Case Management Conference where Judge Fogel permitted such discovery (indeed, it appears Mr. Harland – the attorney representing Local 715 who attended that hearing – signed your May 29, 2008 letter on your behalf). Thus, the subject matter of the subpoenas is not objectionable nor is it abusively drawn.

Second, while the information/documents requested may also have been requested of Petitioner (also your client), that does not permit Local 521 to refuse to respond or produce documents. If the documents requested are not in the custody, control or possession of Local 521, Local 521 must state that fact as to each request where such a response is appropriate. If Local 521 retains responsive documents, it must produce them – regardless of whether or not another entity (whether a party to this litigation or not) also produces the document. Indeed, the fact that Local 521 might have a document which Petitioners also have is, in and of itself, a discoverable and informative fact. Thus, the requests are not abusive or overburdensome.

Third, your reference that "the Local 715 CBA is set to expire" is not relevant to the pending discovery requests. As your office knows, the Court expressly permitted this discovery and attempts to evade appropriate responses to the requests by unfounded suppositions will not be tolerated by the Court.

BOSTON  
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SAN DIEGO/DEL MAR

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TAMPA

TOKYO  
WASHINGTON, D.C.



FOLEY & LARDNER LLP

Andrea Laiacona  
June 9, 2008  
Page 2

Fourth, your letter attempts to generally object to the subpoenas as a whole and completely fails to respond to each request in the subpoenas. Indeed, you fail to identify which requests are the subject of your objections. Thus, your objections fail to meet the requirements of Rule 45 of the Federal Rules of Civil Procedure and are not responsive.

Finally, you appear to object to the subpoenas on the grounds that they seek materials protected by the work-product and attorney-client privilege doctrines. However, again, you fail to identify which requests are the focus of these objections. Rule 45(d)(2) of the Federal Rules of Civil Procedure requires a party who withholds information based on privilege to expressly make the claim and describe the nature of the withheld documents, communications or tangible things in a matter that will enable the parties to assess the claim. You have failed to provide such information.

We are, of course, willing to work with Local 521 to ensure its timely production of responsive documents. If you are concerned regarding the quantity of responsive documents to the requests, please inform us as to the nature of Local 521's production so that we may address any logistical and/or expense issues that may arise. While we are certainly willing to work with you regarding Local 521's response and production, the Hospitals will insist on an appropriate response and production to each of the requests in the subpoenas<sup>1</sup>.

I look forward to working with you regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'E. Ridley', written over the typed name.

Eileen R. Ridley

---

<sup>1</sup> While the Hospitals served a subpoena on Local 521 in each of the six pending actions, Local 521 need only produce one set of documents which will be deemed to be a production in all actions.



**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 9, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094, and  
3097

William A. Sokol  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: *SEIU, Local 715 v. Stanford Hospital & Clinics and Lucille  
Packard Childrens' Hospital*  
U.S. Dist. Ct. Northern Dist. Ca Case Nos. C-07-cv-5158,  
5:08-cv-00213, 5:08-cv-00215, 5:08-cv-00216, 5:08-cv-01727,  
and 5:08-cv-01726

Dear Mr. Sokol:

This will respond to your letter of May 29, 2008 regarding the subpoenas issued by my clients, Stanford Hospitals & Clinics and Lucille Packard Childrens' Hospital (the "Hospitals") to SEIU, UHW ("UHW"). Your letter is virtually identical to your colleague's (Ms. Laiacona) letter on behalf of Local 521. However, UHW's position regarding the pending subpoenas (as with Local 521's position) is without merit.

First, the documents requested in the subpoenas generally concern the existence of Local 715, its representative capacity, the use and handling of its various resources, and the involvement of UHW regarding those subjects. These are all issues with relevance to the above-captioned actions. Moreover, the Court presiding over these matters expressly agreed the Hospitals could seek such discovery in the actions. You understand this fact as your office attended the Case Management Conference where Judge Fogel permitted such discovery (indeed, it appears Mr. Harland – the attorney representing Local 715 who attended that hearing – signed your May 29, 2008 letter on your behalf as he also did for Ms. Laiacona). Thus, the subject matter of the subpoenas is not objectionable nor is it abusively drawn.

Second, while the information/documents requested may also have been requested of Petitioner (also your client), that does not permit UHW to refuse to respond or produce documents. If the documents requested are not in the custody, control or possession of UHW, UHW must state that fact as to each request where such a response is appropriate. If UHW retains responsive documents, it must produce them – regardless of whether or not another entity (whether a party to this litigation or not) also produces the document. Indeed, the fact that UHW might have a document which Petitioners also have is, in and of itself, a discoverable and informative fact. Thus, the requests are not abusive or overburdensome.

Third, your reference that "the Local 715 CBA is set to expire" is not relevant to the pending discovery requests. As your office knows, the Court expressly permitted this discovery and

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SAN DIEGO/DEL MAR

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TAMPA

TOKYO  
WASHINGTON, D.C.





William A. Sokol  
June 9, 2008  
Page 2

attempts to evade appropriate responses to the requests by unfounded suppositions will not be tolerated by the Court.

Fourth, your letter attempts to generally object to the subpoenas as a whole and completely fails to respond to each request in the subpoenas. Indeed, you fail to identify which requests are the subject of your objections. Thus, your objections fail to meet the requirements of Rule 45 of the Federal Rules of Civil Procedure and are not responsive.

Finally, you appear to object to the subpoenas on the grounds that they seek materials protected by the work-product and attorney-client privilege doctrines. However, again, you fail to identify which requests are the focus of these objections. Rule 45(d)(2) of the Federal Rules of Civil Procedure requires a party who withholds information based on privilege to expressly make the claim and describe the nature of the withheld documents, communications or tangible things in a matter that will enable the parties to assess the claim. You have failed to provide such information.

We are, of course, willing to work with UHW to ensure its timely production of responsive documents. If you are concerned regarding the quantity of responsive documents to the requests, please inform us as to the nature of UHW's production so that we may address any logistical and/or expense issues that may arise. While we are certainly willing to work with you regarding UHW's response and production, the Hospitals will insist on an appropriate response and production to each of the requests in the subpoenas<sup>1</sup>.

I look forward to working with you regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eileen R. Ridley', with a long, sweeping flourish extending from the bottom right.

Eileen R. Ridley

---

<sup>1</sup> While the Hospitals served a subpoena on UHW in each of the six pending actions, UHW need only produce one set of documents which will be deemed to be a production in all actions.



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WILLIAM A. SOKOL  
VINCENT A. HARRINGTON, JR.  
W. DANIEL BOONE  
BLYTHE MICKELSON  
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JAMES RUTKOWSKI  
SANDRA RAE BENSON  
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PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 13, 2008

**FOLEY & LARDNER LLP**  
**RECEIVED**

**JUN 17 2008**

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: *SEIU, Local 715 v. Stanford Hospital & Clinics and Lucile Packard Children's Hospital*  
U.S. District Court, N.D., Cases Nos. C-07-cv-5158, 5:08-cv-00213, 5:08-cv-00215,  
5:08-cv-00216, 5:08-cv-01727, and 5:08-cv-01726

Dear Ms. Ridley:

Thank you for your letter of June 9, 2008. It simply confirms the reasons for the objections I made to the subpoenae directed to UHW.

First, you acknowledge that the documents requested in the subpoenae "generally concern the existence of Local 715, its representative capacity," etc. You thereby expressly acknowledge that you are acting in bad faith since you have already acknowledged, through your client, under oath, that Local 715 exists, that it represents employees, and you have also acknowledged under oath its relationship to UHW. Your further explanation simply confirms that you are engaged in a fundamental abuse of process in sending these subpoenae out, and that you have been caught up in your own confusion.

As nothing appeared before the NLRB, and having acknowledged the existence of 715, its representative capacity, its relationship to the UHW, you are simply showing that these subpoenae are being served to be harassment, burdensome, as well as perhaps obfuscatory and dilatory. Clearly you have no ground for issuing these subpoenae other than to seek to disprove what your clients have already acknowledged under oath to be the truth and facts.

Sincerely,

  
William A. Sokol

WAS/map  
opeiu 3 afl-cio(1)  
1/496680

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3435 Wilshire Boulevard, Suite 620  
Los Angeles, CA 90010-1907  
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Sacramento, CA 95814-2341  
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HONOLULU OFFICE  
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Honolulu, HI 96813-4500  
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PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 26, 2008

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

**FOLEY & LARDNER LLP**  
**RECEIVED**

**JUN 27 2008**

Re: SEIU Local 715  
Stanford Hospital & Clinics and Lucille Packard Children's Hospital  
U.S. District Court, No. District California, Case No. 07-cv-05158 JF, et al.

085437-3056


Dear Ms. Ridley:

I am writing in response to your letter dated June 9, 2008 concerning the above referenced matter. It is my understanding that this letter is identical to letters which were directed to my co-counsel, Bill Sokol, on behalf of SEIU UHW and Bruce Harland on behalf of SEIU Local 715. Therefore, on behalf of Local 521, I reiterate the position of my prior letter, just as you have restated your position in yours.

It is clear from your letters and other documents that you seek discovery generally concerning the existence of Local 715. As Mr. Sokol said in his letter dated June 13, you obviously have acknowledged expressly that you are acting in bad faith through your client by acknowledging that Local 715 exists, that it represents employees and you have acknowledged that it has a relationship to the other Locals. Your explanation for why this information is necessary rings false. Your insistence that you need this information, in light of your acknowledgment, is an abuse of process, burdensome, harassing and unnecessary and that it just points to the bad faith tactics your client is engaging in by maintaining this litigation.

The fundamental facts of this case are not in dispute. You have acknowledged that SEIU Local 715 exists as an entity and your client is fully aware of its relationship to its sister locals in SEIU. Please cease and desist from this harassing discovery tactic. Thank you for your immediate attention in this matter.

Sincerely,

  
Andrea Laiacona

AL/sm  
opeiu 3 afl-cio(1)  
117443/497977

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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**FOLEY & LARDNER LLP**

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Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

*Eileen*

 INFO

7/2/2008

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Friday, June 27, 2008 4:59 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

**FOLEY**

**FOLEY & LARDNER LLP**

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Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

*Eileen*

 INFO

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

7/2/2008

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

*Eileen*

7/2/2008



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

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SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 30, 2008

VIA FACSIMILE AND U.S. MAIL

CLIENT/MATTER NUMBER  
085437-3056 (3080) 3081, 3083, 3094 and  
3097

Andrea Laiacona  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Ste. 200  
Alameda, CA 94501-1091

Re: *SEIU v. Stanford Hospital & Clinics, et al.*  
U.S. Dist. Ct. Case Nos.: C-07-cv-5158, 5:08-cv-00213, 5:08-  
cv-00215, 5:08-cv-002216, 5:08-cv-01727 and 5:08-cv-01726

Dear Ms. Laiacona:

This will respond to your letter of June 26, 2008 regarding the above-referenced matters and the deposition of Kristy Sermersheim. Ms. Sermersheim, as you know, was the executive secretary of SEIU Local 715 and was involved (and gave testimony) regarding the SEIU International's activities concerning the reorganization of the local union entities – including Local 715. Moreover, Ms. Sermersheim is identified in a number of documents regarding this matter. Thus, Ms. Sermersheim not only has relevant information, her testimony goes to the heart of one of the issues being litigated in the case. Thus, we require her deposition to take place. Please provide us with available dates for this proceeding.

We further write to address Local 521's complete failure to properly respond to the subpoena issued to it and produce documents. We have received no documentation from this entity whatsoever. Please confirm that Local 521 will provide a proper response to the subpoena (as noted in Eileen Ridley's letter of June 9, 2008) and will produce documents this week. Failure of Local 521 to do so will result in a motion to compel being failed to obtain the discovery requested.

Very truly yours,

Scott P. Inciardi

cc: Eileen R. Ridley

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## FACSIMILE TRANSMISSION

**Total # of Pages 2 (including this page)**

TO:	PHONE #:	FAX #:
Andrea Laiacona Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Ste. 200 Alameda, CA 94501-1091	5101.337.1001	510.337.1023

**From :** Scott P. Inciardi  
**Email Address :** [sinciardi@foley.com](mailto:sinciardi@foley.com)  
**Sender's Direct Dial :** 415.984.9863  
**Date :** June 30, 2008  
**Client/Matter No :** 085437-3056, 3080, 3094, 3083, 3081 & 3097  
**User ID No :** 3578

### MESSAGE:

Please see the attached.

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Total # of Pages 2 (including this page)

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From : Scott P. Inciardi  
 Email Address : sinciardi@foley.com  
 Sender's Direct Dial : 415.984.9863  
 Date : June 30, 2008  
 Client/Matter No : 085437-3056, 3080, 3094, 3083, 3081 & 3097  
 User ID No : 3578

### MESSAGE:

Please see the attached.





FOLEY & LARDNER LLP

ATTORNEYS AT LAW

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SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 30, 2008

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094 and  
3097

VIA FACSIMILE AND U.S. MAIL

William A. Sokol  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Ste. 200  
Alameda, CA 94501-1091

Re: *SEIU v. Stanford Hospital & Clinics, et al.*  
U.S. Dist. Ct. Case Nos.: C-07-cv-5158, 5:08-cv-00213, 5:08-  
cv-00215, 5:08-cv-002216, 5:08-cv-01727 and 5:08-cv-01726

Dear Mr. Sokol:

This will respond to your letter of June 13 2008 regarding the above-referenced matters and the subpoena issued to UHW. UHW indisputably has responsive documents to the subpoena given the simple fact that it apparently entered into a services agreement with Local 715 (which my clients rejected). Nevertheless, while the litigation certainly concerns issues about local 715, that does not mean that UHW may simply ignore a subpoena – especially when it in fact retains documents related to Local 715's operations. To date, UHW has failed to properly respond to the subpoena and has produced no documents. Please confirm that UHW will provide a proper response to the subpoena (as noted in our last correspondence) and will produce documents this week. Failure of UHW to do so will result in a motion to compel being filed to obtain the discovery requested.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eileen R. Ridley', with a long horizontal flourish extending to the right.

Eileen R. Ridley

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FOLEY &amp; LARDNER LLP

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## Total # of Pages 2 (including this page)

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**From :** Scott P. Inciardi  
**Email Address :** sinciardi@foley.com  
**Sender's Direct Dial :** 415.984.9863  
**Date :** June 30, 2008  
**Client/Matter No :** 085437-3056, 3080, 3094, 3083, 3081 & 3097  
**User ID No :** 3578

## MESSAGE:

Please see the attached letter from Eileen Ridley.

If there are any problems with this transmission or if you have not received all of the pages, please call 415.434.4484, extension 858.

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 Scott P. Inciardi

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\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
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**Date :** June 30, 2008  
**Client/Matter No :** 085437-3056, 3080, 3094, 3083, 3081 & 3097  
**User ID No :** 3578

**MESSAGE:**

Please see the attached letter from Eileen Ridley.

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 4:28 PM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

 INFO

-----Original Message-----

**From:** Bruce Harland [[bharland@unioncounsel.net](mailto:bharland@unioncounsel.net)]  
**Sent:** Monday, June 30, 2008 7:41 AM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

**From:** Ridley, Eileen R. [[ERidley@foley.com](mailto:ERidley@foley.com)]  
**Sent:** Fri 6/27/2008 4:59 PM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mm1.lettermark.net/foleylaw/card/ANCB_3.map)  
[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mm1.lettermark.net/foleylaw/card/ANCB_3.gif)

7/2/2008

Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

Eileen

<http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP>>

---

From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

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Eileen

7/2/2008

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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

**Inciardi, Scott P.**

---

**From:** Bruce Harland [bharland@unioncounsel.net]  
**Sent:** Tuesday, July 01, 2008 5:14 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C.

to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions:

discovery was limited to whether or not Local 715 had standing to sue.

Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008.

However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

-----Original Message-----

From: Ridley, Eileen R. [mailto:ERidley@foley.com]  
Sent: Tuesday, July 01, 2008 4:28 PM  
To: Bruce Harland

Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mm1.lettermark.net/foleylaw/card/ANCB_3.map)>  
<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mm1.lettermark.net/foleylaw/card/ANCB_3.gif)>

Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

<<http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP>>

-----Original Message-----

From: Bruce Harland [bharland@unioncounsel.net]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]  
Sent: Fri 6/27/2008 4:59 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mm1.lettermark.net/foleylaw/card/ANCB_3.map)  
[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mm1.lettermark.net/foleylaw/card/ANCB_3.gif)

Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you



Eileen

<http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP>>

---

From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

Eileen

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated

otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

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**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:12 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrasment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to address the areas the Court permitted to be the subject of discovery - the existance of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of indivudals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

-----Original Message-----

**From:** Bruce Harland [mailto:bharland@unioncounsel.net]  
**Sent:** Tuesday, July 01, 2008 5:14 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further

delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions: discovery was limited to whether or not Local 715 had standing to sue. Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008. However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

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From: Ridley, Eileen R. [mailto:ERidley@foley.com]  
Sent: Tuesday, July 01, 2008 4:28 PM  
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Subject: RE: SEIU v. Stanford Cases

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Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

<[http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP](http://www.lettermark.net/emailhelp.asp?id=Foley%20&Lardner%20LLP)>

-----Original Message-----

From: Bruce Harland [bharland@unioncounsel.net]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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Eileen

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---

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Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

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cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

## **EXHIBIT F**



1 **FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
2 SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

3 LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
4 SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
5 Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital  
6

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 **SERVICE EMPLOYEES**  
12 **INTERNATIONAL UNION, LOCAL 715,**

13 **Petitioner and Counter-**  
14 **Respondent,**

15 **v.**

16 **STANFORD HOSPITAL & CLINICS and**  
17 **LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

18 **Respondents and Counter-**  
19 **Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

20 **TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

21 **YOU ARE HEREBY NOTIFIED THAT:** the deposition of Bruce W. Smith, alleged  
22 trustee for Service Employees International Union, Local 715, a party to this action, will be taken  
23 stenographically and recorded on audiotape and videotape by respondents and counter-  
24 petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices  
25 of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00  
26 AM on Thursday, June 26, 2008.

27 ///

28 ///

1 So far as known to the deposing party, the deponent's alleged business address and  
2 telephone number are as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 408.594.8715

6 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
7 served is shown on the accompanying Proof of Service.

8  
9 Dated: June 10, 2008

10 FOLEY & LARDNER LLP  
11 LAURENCE R. ARNOLD  
12 EILEEN R RIDLEY  
13 SCOTT P. INCIARDI

14 By: 

EILEEN R. RIDLEY

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF BRUCE W. SMITH, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

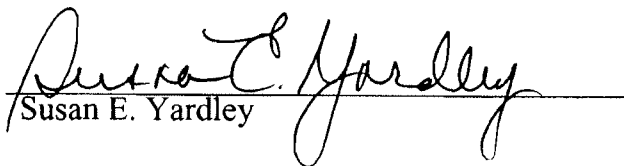
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715,**

**Petitioner and Counter-**  
**Respondent,**

**v.**

**STANFORD HOSPITAL & CLINICS and**  
**LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

**Respondents and Counter-**  
**Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**ANDREW L. STERN**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Andrew L. Stern will be taken stenographically and recorded on audiotape and videotape by respondents and counter-petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, located at 3000 K Street, N.W., Suite 500, Washington, DC 20007 commencing at 10:00 AM on Monday, June 30, 2008.

///

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1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's business address and telephone number are as  
3 follows:

4 1800 Massachusetts Ave NW

5 Washington, DC 30036

6 202.730.7000

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11  
12 Dated: June 10, 2008

13 FOLEY & LARDNER LLP  
14 LAURENCE R. ARNOLD  
15 EILEEN R RIDLEY  
16 SCOTT P. INCIARDI

17 By: 

18 EILEEN R. RIDLEY  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF ANDREW L. STERN, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

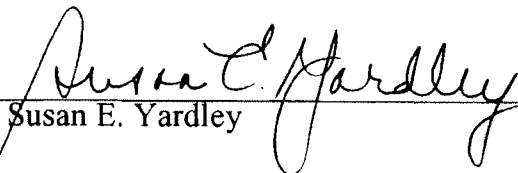
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213 JF

TO:

Andrew L. Stern

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

3000 K Street, N.W., Suite 500, Washington, DC 20007

June 30, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

  
Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



B 255 (11/91) (cont.)

**PROOF OF SERVICE**

<p><b>DATE</b> 06-16-08 AT 11:45AM</p> <p><b>SERVED</b></p> <p><b>SERVED ON (PRINT NAME)</b> ANDREW L. STERN</p> <p><b>SERVED BY (PRINT NAME)</b> ANDRE KEITH</p>	<p><b>PLACE</b> ANDREW L. STERN 1800 MASSACHUSETTS AVENUE NW WASHINGTON, DC 20036</p> <p><b>MANNER OF SERVICE</b> PERSONAL SERVICE</p> <p><b>TITLE</b> PROCESS SERVER</p>
---	---

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022952  
c/o NATIONWIDE LEGAL, INC,  
ANDREW KEITH  
Not A Registered  
California Process Server

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance:  
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or  
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715,**

**Petitioner and Counter-**  
**Respondent,**

**v.**

**STANFORD HOSPITAL & CLINICS and**  
**LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

**Respondents and Counter-**  
**Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**KRISTY SERMERSHEIM**

**Judge: Hon Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:  
YOU ARE HEREBY NOTIFIED THAT: the deposition of Kristy Sermersheim will be  
taken stenographically and recorded on audiotape and videotape by petitioners and counter-  
respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law  
offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing  
at 10:00 AM on Tuesday, July 1, 2008.

///

///

///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address is as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 Said deponent has been served with a deposition subpoena. A copy of the deposition  
6 subpoena is attached hereto and served herewith.

7 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
8 served is shown on the accompanying Proof of Service.

9  
10 Dated: June 12, 2008

11 FOLEY & LARDNER LLP  
12 LAURENCE R. ARNOLD  
13 EILEEN R RIDLEY  
14 SCOTT P. INCIARDI

15 By:   
16 SCOTT P. INCIARDI

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

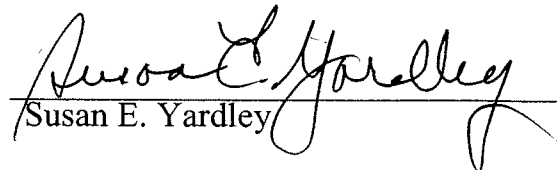
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
\_\_\_\_\_  
Susan E. Yardley

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO:

Kristy Sermersheim

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

975 Page Mill Road, Palo Alto, California 94304

DATE AND TIME

July 1, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.


PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 Attorney for Respondents

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



B 255 (11/91) (cont.)

**PROOF OF SERVICE**

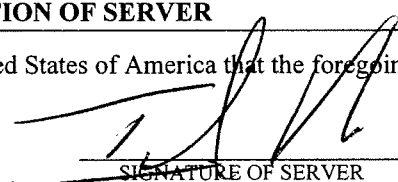
<b>SERVED</b>	<b>DATE</b> 06-18-08 AT 3:30PM	<b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131
<b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM	<b>MANNER OF SERVICE</b> PERSONAL SERVICE	
<b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>TITLE</b> PROCESS SERVER	

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022970  
NATIONWIDE LEGAL, INC,  
ISMAEL VELASCO  
REG. NUMBER: 908  
SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow for reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) if a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

1 **FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
2 SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

3 LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
4 SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
5 Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital  
6  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 **SERVICE EMPLOYEES**  
12 **INTERNATIONAL UNION, LOCAL 715,**

13 **Petitioner and Counter-**  
14 **Respondent,**

15 **v.**

16 **STANFORD HOSPITAL & CLINICS and**  
17 **LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

18 **Respondents and Counter-**  
19 **Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**MYRIAM ESCAMILLA**

**Judge: Hon Jeremy Fogel**

20 **TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

21 **YOU ARE HEREBY NOTIFIED THAT:** the deposition of Myriam Escamilla will be  
22 taken stenographically and recorded on audiotape and videotape by respondents and counter-  
23 petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices  
24 of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00  
25 AM on Wednesday, July 2, 2008.

26 ///

27 ///

28 ///



1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road  
5 San Jose, CA, 95131  
6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R. RIDLEY  
15 SCOTT P. INCIARDI

16 By:   
17 EILEEN R. RIDLEY  
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28

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

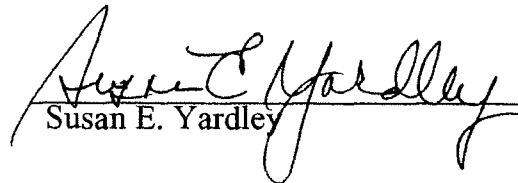
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO:

Myriam Escamilla

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

975 Page Mill Road, Palo Alto, California 94304

DATE AND TIME

July 2, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for: PETITIONERS</b> Ref: 3022959	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00213-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

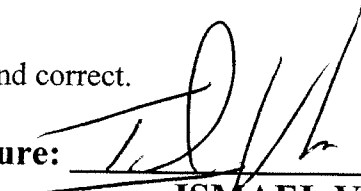
On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

**ATTEMPTED SERVICE AT:** **2302 ZANKER ROAD, SAN JOSE, CA 95131**

06-16-08 AT 1:00PM PER THE RECEPTIONIST THE SUBJECT HAS NOT WORKED HERE FOR TWO YEARS. THE RECEPTIONIST HAS A PHONE NUMBER FOR THE SUBJECT AND BELIEVES SHE WORKS SOMEWHERE IN OAKLAND, CA (510) 869-2264

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:** 

**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for: PETITIONERS</b> Ref: 3022959	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00213-JF</b>

I, CARLOS CASTRO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action. On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

**ATTEMPTED SERVICE AT:****288 3<sup>RD</sup> STREET, UNIT 217, OAKLAND, CA 94607**

06-16-08 AT 6:50PM THIS IS A SECURED APARTMENT BUILDING. THE SUBJECT'S NAME IS LISTED ON THE INTERCOM SYSTEM. I TRIED TO CONTACT THE SUBJECT VIA INTERCOM, BUT THERE WAS NO ANSWER, LEFT A VOICEMAIL FOR THE SUBJECT

06-17-08 AT 7:20AM NO CHANGES, NO ACTIVITY, NO ACCESS TO APARTMENT

06-17-08 AT 8:15AM I CALLED AND MADE AN APPOINTMENT TO HAVE THE SUBJECT ACCEPT SERVICE ON JUNE 18, 2008 BEFORE 8AM

06-18-08 AT 8:45AM THERE WAS NO ANSWER AT THE DOOR, RANG DOORBELL. I WAS INFORMED SHE WILL NOT BE ACCEPTING SERVICE

06-19-08 AT 7:20PM I CALLED THE SUBJECT ON THE INTERCOM THERE WAS NO ANSWER. SECURED BUILDING

06-21-08 AT 10:10AM I GAINED ACCESS BY BEING BUZZED INSIDE THE BUILDING, KNOCKED ON THE DOOR, COULD HEAR VOICES INSIDE. NO ANSWER AT THE DOOR OR BY DOORBELL.

06-22-08 AT 6:35PM GAIN ACCESS TO THE BUILDING, NO ANSWER AT THE DOOR

**560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612**

06-19-08 AT 11:10AM THIS LOCATION IS CALLED "UNITED HEALTHCARE WORKERS WEST", PER EMPLOYEE THEY ACCEPTED SERVICE OF PROCESS ON BEHALF OF PEOPLE HOWEVER IT IS JUST A DROP BOX, NO NAME OR TITLE GIVEN UP THE DROPPING THE DOCUMENTS

06-19-08 AT 11:30AM I WALKED BACK INSIDE THE BUSINESS AND NOW IT'S A DIFFERENT RECEPTIONIST SITTING AT THE DESK. PER THE RECEPTIONIST THEY WILL NOT BE RESPONSIBLE FOR ANYTHING IF THE DOCUMENTS WERE TO BE DROPPED

06-20-08 AT 1:10PM PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008****Signature:**  
**CARLOS CASTRO**



**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715,**

**Petitioner and Counter-**  
**Respondent,**

**v.**

**STANFORD HOSPITAL & CLINICS and**  
**LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

**Respondents and Counter-**  
**Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**GREG PULLMAN**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Greg Pullman will be taken  
stenographically and recorded on audiotape and videotape by respondents and counter-  
petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices  
of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304, commencing at  
10:00 AM on Monday, July 7, 2008.

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1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. The  
2 deponent's address and telephone number is not presently known to the deposing party.

3 Said deponent has been served with a deposition subpoena. A copy of the deposition  
4 subpoena is attached hereto and served herewith.

5 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
6 served is shown on the accompanying Proof of Service.

7  
8  
9 Dated: June 10, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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13 By: 

EILEEN R. RIDLEY



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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF GREG PULLMAN, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

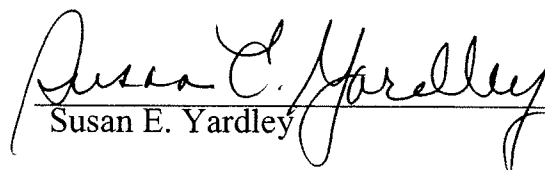
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

SAO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO:

Greg Pullman

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

975 Page Mill Road, Palo Alto, California 94304

DATE AND TIME

July 7, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

B 255 (11/91) (cont.)

**PROOF OF SERVICE**

<b>SERVED</b>	<b>DATE</b> 06-16-08 AT 3:35PM  <b>PLACE</b> GREG PULLMAN 7677 OAKPORT STREET, #725 OAKLAND, CA 94621
<b>SERVED ON (PRINT NAME)</b> GREG PULLMAN	<b>MANNER OF SERVICE</b> PERSONAL SERVICE
<b>SERVED BY (PRINT NAME)</b> CARLOS CASTRO	<b>TITLE</b> PROCESS SERVER

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 16, 2008  
DATE

REF: 3022961  
NATIONWIDE LEGAL, INC,  
CARLOS CASTRO  
REG. NUMBER: 417  
SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow for reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) if a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## **EXHIBIT G**



## SEIU LEGAL DEPARTMENT FAX TRANSMISSION COVER SHEET

Date: 16 June 2008

To: Eileen Ridley, Esq

Fax: 415/434-4507

From: Norman Gleichman, Esq.  
Deputy General Counsel

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

---

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SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES,  
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---

Comments:

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

1800 Massachusetts Ave NW  
Washington DC 20036

202.730.7000  
TDD: 202.730.7481  
www.SEIU.org

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June 16, 2008

**VIA FACSIMILE TO 415-434-4507 AND REGULAR MAIL**

Eileen Ridley, Esq.  
Foley & Lardner LLP  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111

Re: SEIU Local 715 v. Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital – Case Nos. 5:07-cv-5158-  
JF; 5:08-cv-00213-JF; 5:08-cv-00215-JF; 5:08-cv-00216-  
JF; 5:08-CV-01727-JF; 5:08-CV-01726-JF

Dear Ms. Ridley:

I have your letter of June 9, 2008. I telephoned your office today and got your voice mail; your message indicated that you would not be returning to the office until June 18, 2008. That is the return date on the subpoenas that are the subject of our previous correspondence.

I suggest a two-week extension of time (until June 30, 2008) for responding to the subpoenas, which will give us sufficient time to resolve the issues raised in SEIU's objection and the Hospitals' response.

Upon your return, please give me a call, and we can discuss this request and also the deposition subpoenas for President Stern that were served earlier today.

Sincerely yours,

Norman M. Gleichman  
Deputy General Counsel

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

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## SEIU Legal Department

1800 Massachusetts Avenue  
Washington, DC 20036  
Tel: 202/730-7000  
Fax: 202/429-5565

### FAX TRANSMISSION COVER

**DATE:** June 23, 2008

**TO:** Eileen Ridley, Esq.

**FAX:** 415-434-4507

**FROM:** Norman Gleichman

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary/Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

LUIS MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

---

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#### Comments:

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June 23, 2008

**VIA FACSIMILE TO 415-434-4507 AND REGULAR MAIL**

Eileen Ridley, Esq.  
Foley & Lardner LLP  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111

Re: SEIU Local 715 v. Stanford Hospital & Clinics and Lucile  
Packard Children's Hospital – Case Nos. 5:07-cv-5158-  
JF; 5:08-cv-00213-JF; 5:08-cv-00215-JF; 5:08-cv-00216-  
JF; 5:08-CV-01727-JF; 5:08-CV-01726-JF

Dear Ms. Ridley:

As you know, despite your best efforts and mine, we have not yet been able to have a conversation concerning the subpoenas in the above-referenced matters. I telephoned your office this morning and learned from your voicemail message that you will be out of the office today and tomorrow, and will not be returning until June 25, 2008.

Per Mr. Inciardi's letter of June 17, 2008, today was to be response date for the subpoenas. Given that we have not yet spoken, SEIU will need a further extension so that we can resolve the issues relating to the subpoenas.

Please give me a call at your convenience, and we can discuss this matter.

Sincerely yours,

Norman M. Gleichman  
Deputy General Counsel

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

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Washington DC 20036

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**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Thursday, June 26, 2008 11:01 AM  
**To:** Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Order of Emergency Trusteeship Appointing a Trustee to Take Charge and Control of the Affairs of Service Employees International Union, Local 715.pdf; December 19, 2007 Letter from B.W. Smith to Laurie Quintel.pdf; February 12, 2008 Letter from B.W. Smith to Laurie Quintel.pdf; Form LM-15 Trusteeship Report.pdf; In re SEIU Local Union Jurisdiction in California - Hearing Officers' Joint Report and Recommendations.pdf; June 8, 2007 Appointment of Bruce W. Smith as Trustee of SIEU Local 715 by Andrew L. Stern.pdf; June 11, 2006 Memorandum re IEB Decision on California Jurisdiction.pdf; Notice of Hearing, Appointment of Hearing Officer and Rules of Procedure.pdf

**From the Desk of:** Eileen R. Ridley

**FOLEY**

**FOLEY & LARDNER LLP**

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[www.foley.com](http://www.foley.com)

*Eileen*



---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:47 PM  
**To:** norm.gleichman@seiu.org  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated

Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations

7/2/2008

□  
June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman  
□

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources, Please provide us with available dates for these proceedings. Thanks very much.

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:14 PM  
**To:** Arnold, Laurence R.; Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Final Signed Report & Recommendation.pdf; KS Letter Requesting Trusteeship.pdf; Signed HO Report - 8-13-07.pdf; Stanford Hosp Servicing Agreement.pdf; Order of Reorganization.pdf; Form LM-15 Trusteeship Report May 2008.pdf; Letter to Bruce Smith 6-8-2007.pdf; Letter to Bruce Smith 8-23-2007.pdf; Letter to Clarence Dodge March 1972.pdf

---

**From:** Norman Gleichman [mailto:Norman.Gleichman@seiu.org]  
**Sent:** Tuesday, July 01, 2008 1:18 PM  
**To:** Ridley, Eileen R.  
**Subject:** RE: Local 715 v. SHC/LPCH - Documents To Be Authenticated

Dear Ms. Ridley:

I have reviewed your e-mail and the documents you have forwarded with your request that SEIU authenticate them.

First, I wish to reiterate SEIU's position, stated in SEIU's objection dated May 27, 2008, that the subpoenas do not comply with Rule 45(c) of the Federal Rules of Civil Procedure. As I understand it from your communications to date, the Court in this matter has permitted discovery on the narrow question of the existence of Local 715. You have not supplied me with the Court's discovery order, but I assume you have accurately described it.

It is well settled that no formal structure or financing arrangement is required to meet the definition of "labor organization" under the National Labor Relations Act. Thus, a group of employees can constitute a labor organization without officer elections or elected officials, membership meetings, a dues structure, or a set of bylaws. All that is required is employee participation for the purpose of dealing with employers over wages, hours, or terms and conditions of employment. See, e.g., *Sahara Datsun v. NLRB*, 811 F.2d 1317 (9th Cir. 1987); *Polaroid Corp.* 329 NLRB 424 (1999).

Against this backdrop, your subpoena goes far beyond the narrow area of inquiry open to you concerning the issue of the existence of Local 715. As just one example, the identity of the counsel selected to represent Local 715, a subject of the Hospitals' requests for production nos. 1, 20 and 21, is completely irrelevant to the question whether Local 715 exists. Without limitation, the same is true regarding financial transactions regarding Local 715, other SEIU local unions, or SEIU. See request nos. 19, 22-27, 56-57. In sum, these subpoenas constitute an obvious fishing expedition having nothing whatever to do with the question of Local 715's existence.

The subpoenas are also unduly burdensome, in violation of the Federal Rules. The requests are so broadly worded that they would require virtually every piece of written communication to Local 715 to be produced. See, without limitation, request nos. 5, 7, 8, 9 and 10. In this connection, you are advised that SEIU does not maintain a central filing system where documents are uniformly and systematically maintained according to subject matter or other categories. Instead, files and records are kept separately in SEIU's numerous separate departments and regional offices, as well as by individual staff members within those departments. The record retention policies, protocols and categories, if any, used in those separate departments and regional offices are not necessarily compatible. Additionally, a significant volume of SEIU files are not readily accessible because they have been boxed and transferred to an outside archive. Accordingly, the requests detailed herein and similar requests would require SEIU to spend countless hours locating and combing through thousands of separate, uncatalogued files maintained in separate Departments and offices, as well as to retrieve and review files boxed and stored in the

7/2/2008

outside archives, simply to determine whether they contain any material falling within the scope of the subpoena. This search would have to be performed manually. The expense to the SEIU in personnel time and archives retrieval charges would be enormous. The subpoena imposes a substantial additional burden on the SEIU in that its personnel would be precluded from carrying out the essential business of SEIU while deployed in the document search demanded by the Hospitals.

The sweeping scope of the subpoenas would force SEIU to divulge SEIU and its members communications on all issues, deliberations, and other activity protected by the First Amendment, including but not limited to SEIU's and its members exercise of the right to freedom of association and freedom of speech. Moreover, while the subpoenas would force the SEIU to mount an expensive, time-consuming records search, that effort will yield little, if any relevant material given the definition of labor organization under the NLRA.

Furthermore, as indicated in SEIU's objection, SEIU does not have custody of much of the documentation your subpoena seeks. I repeat that SEIU is not a party to these actions, and under the Labor Management Reporting and Disclosure Act is not the same labor organization as its affiliated local unions.

Nevertheless, without waiving its stated objections to the subpoenas, in an effort to reach agreement on issues raised by the subpoenas, SEIU further responds to your request as follows:

SEIU is agreeable to stipulating to the authenticity of the following documents:

- Order of Emergency Trusteeship dated June 8, 2007
- Form LM-15 Trusteeship Report
- Memorandum from Andrew L. Stern re: trusteeship of Local 715, dated June 8, 2007
- Notice of Hearing signed by Anna Burger dated July 12, 2007
- Memorandum from Andrew L. Stern re: IEB Decision on California Jurisdiction dated June 11, 2006

SEIU is unable to stipulate to the authenticity of the following documents for the reasons given:

- Letter from B.W. Smith to Laurie Quintel dated December 19, 2007. This letter was purported issued by Local 715, and Local 715 is the entity that would be in a position to authenticate this document.
- Letter from B.W. Smith to Laurie Quintel dated February 12, 2008. See comment above.
- Hearing Officers' Joint Report and Recommendations. The version you sent to me is unsigned.

Without waiving SEIU's previously stated objections to your subpoena, SEIU is producing herewith the following additional documents that are covered by the subpoena:

- Signed Hearing Officers' Joint Report and Recommendations dated June 9, 2006
- Order of Reorganization signed by Andrew Stern dated January 2, 2007
- Hearing Officer's Report on Local 715 trusteeship dated August 13, 2007
- Letter from Kristina Sermersheim to Andrew Stern dated June 4, 2007
- Letter to Bruce Smith from Andrew L. Stern dated June 8, 2007
- Letter to Clarence Dodge from George E. Fairchild dated March 2, 1972
- Letter to Bruce Smith from Anna Burger dated August 23, 2007
- Servicing Agreement between Local 715 and UHW
- Form LM-15 Trusteeship Report May 2008

SEIU will further stipulate that the hearing officers' reports attached hereto were duly approved by the SEIU International Executive Board.

With respect to taking President Stern's deposition, I am advised that President Stern will be out of the country between July 9 and July 20, and will not be available prior to his departure. However, I can make his assistant James J. Johnston available in his place. Mr. Johnston recently served as SEIU California Area Director and is currently Director of Union-Wide Programs. By virtue of holding these positions, Mr. Johnston is knowledgeable about the existence of Local 715. Mr. Johnston is available on July 10 and 11. Our preference would be July 10. Please note that Mr. Johnston may only be questioned on the narrow issue about which I understand the Court has permitted discovery: the existence of Local 715.

With respect to Greg Pullman, you seemed surprised when I advised you that has been an International Union employee since November 2006. Yet Mr. Pullman testified to this in his deposition which the Hospitals took on March 22, 2007, at which he answered questions related to the 2006 SEIU reorganization in California. It would plainly be improper, oppressive and vexatious to depose Mr. Pullman again on the same issue. Please let me know specifically why the Hospitals seek to depose Mr. Pullman.

Yours,

Norman M. Gleichman  
Deputy General Counsel

---

**From:** Ridley, Eileen R. [mailto:ERidley@foley.com]  
**Sent:** Thu 6/26/2008 2:47 AM  
**To:** Norman Gleichman  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated



Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations

□

June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman  
□

7/2/2008

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources, Please provide us with available dates for these proceedings. Thanks very much.



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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.



## **EXHIBIT H**



STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SCHUL  
VINCENT A. WARRINGTON, JR.  
W. DANIEL BOONE  
BLYTHE MICHELSON  
BARRY E. HINKLE  
JAMES RUTKOWSKI  
SANDRA RAE BENSON  
CHRISTIAN L. RAISNER  
JAMES J. WEBBER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GAUGER  
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LINDA GALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
J. FELIX DE LA TORRE  
KRISTINA L. HILLMAN  
ANDREA LAJACONA  
EMILY P. RICH

**WEINBERG, ROGER & ROSENFELD**  
A PROFESSIONAL CORPORATION  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

LORI K. AQUINO  
ANNE I. YEN  
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CAREN P. GUNTER  
LINDSEY S. HOGGADO  
MANJARI CHAWLA  
KRISTINA M. ZINNEN  
JANNAH V. MANANBALA  
MANUEL A. SOIGUES  
KERUAHNE R. STEELE  
ANA M. CALLEGOS  
GARY P. PROVENCHER

PATRICIA M. GATGE, Of Counsel  
ROBERTA D. PURKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 23, 2008

VIA FACSIMILE & U.S. MAIL

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: Stanford Hospital & Clinics and Lucile Packard Children's Hospital v. SEIU, Local 715  
U.S.D.C. Case No. 5:07-CV-05158; 5:08-CV-00213; 5:08-CV-00215; 5:08-CV-00216;  
5:08-CV-01726; 5:08-CV-01727.

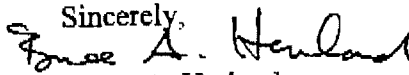
Dear Ms. Ridley:

I am writing this letter on behalf of both Bruce W. Smith and Myriam Escamilla. I have received copies of the Notices of Deposition for both Bruce W. Smith and Myriam Escamilla that you served. It is my understanding that you claim that they are not parties to this action. If that is incorrect, please let me know.

If my understanding is correct, then the both Mr. Smith and Ms. Escamilla object to the subpoenas for the following reasons in accordance with Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure. Clearly, the deposition subpoenas are an effort to harass both Mr. Smith and Ms. Escamilla, especially in light of the fact that you have noticed their depositions as non-parties.

In any event, given the Fourth of July holiday fast approaching and because of other pre-scheduled commitments, neither Mr. Smith nor Ms. Escamilla are available for the dates notice.

Please contact me at your earliest convenience so that we can discuss this matter.

Sincerely,  
  
Bruce A. Harland

BAH/not  
cc: Local 715  
Rusty Smith, Trustee  
Myriam Escamilla, Asst. Trustee  
117443/497466



**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 23, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437 3056, 3080, 3081, 3083, 3094, and  
3097

Bruce Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: SEIU, Local 715 v. Stanford Hospital & Clinics and Lucille  
Packard Childrens' Hospital  
U.S. Dist. Ct. Northern Dist. Ca Case Nos. C-07-cv-5158,  
5:08-cv-00213, 5:08-cv-00215, 5:08-cv-00216, 5:08-cv-01727,  
and 5:08-cv-01726

Dear Mr. Harland:

This will respond to your letter of today's date regarding the depositions of Mr. Smith and Ms. Escamilla.

You are incorrect regarding the basis of service. Mr. Smith was served as a party as we understand he is the trustee for Local 715.

Ms. Escamilla was served as a non-party as we understand she is employed by UHW. Ms. Escamilla has repeatedly evaded service including refusing to accept the subpoena at work and arranging to have the subpoena accepted at her home to only to thereafter refuse to accept service of the subpoena. Ms. Escamilla's actions are inappropriate and contrary to law and we will seek redress from the Court if she continues to actively and consciously evade service. As your office apparently represents Ms. Escamilla, we will agree to permit acceptance of the subpoena through your office if you are authorized to accept such service. If not, we will seek redress from the Court for Ms. Escamilla's actions. Please confirm you may accept service of the subpoena on Ms. Escamilla's behalf.

Having said the above, the simple request for a deposition is not harassment, and thus the objections raised to the proceedings are inappropriate both in form and substance.. Indeed, both Mr. Smith and Ms. Escamilla have information regarding the issues related to the existence, representation, and the use of resources of Local 715 which you well know. Mr. Smith is purportedly that entity's trustee, and Ms. Escamilla a representative of UHW assigned to Stanford Hospital & Clinics and Lucile Packard Children's Hospital under the purported servicing agreement with Local 715 as well as the purported trustee's assistant. Moreover, the Court specifically permitted such discovery to take place. Finally, the depositions were specifically set so as to not take place over the July 4<sup>th</sup> holiday. As there is a filing deadline with the Court of July 18, 2008, we expect both the witnesses to appear at their depositions. If they truly need to reschedule the dates of

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Bruce Harland  
June 23, 2008  
Page 2

the proceedings, please provide us with suggested alternative date to be considered as soon as possible.

Continued failure to respond to discovery requests by persons or entities represented by your office will be raised with the Court – particularly in light of the up-coming deadlines in the case. We trust the present impasse will be resolved short of the need for Court intervention.

Very truly yours,

A handwritten signature in black ink that reads 'Eileen R. Ridley' followed by a stylized flourish or initials.

Eileen R. Ridley

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley



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Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

*Eileen*



7/2/2008

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Friday, June 27, 2008 4:59 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

**FOLEY**

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*Eileen*

 INFO

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**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

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7/2/2008

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7/2/2008

**Inciardi, Scott P.**

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**From:** Bruce Harland [bharland@unioncounsel.net]  
**Sent:** Monday, June 30, 2008 7:41 AM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

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Sent: Fri 6/27/2008 4:59 PM  
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Dear Ms. Ridley,

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Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

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I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

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**Sent:** Tuesday, July 01, 2008 9:12 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrasment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to address the areas the Court permitted to be the subject of discovery - the existance of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of indivudals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

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**EXHIBIT I**

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
VINCENT A. WARRINGTON, JR.  
W. DANIEL BOCKE  
BLYTHE NICKELSON  
BARRY E. HINKLE  
JAMES RUTKOWSKI  
SANDRA RAE BENSON  
CHRISTIAN L. RAISNER  
JAMES J. WEBBER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GAUSER  
ASHLEY K. IKEDA  
LINDA DALRYMPH JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
J. FELIX DE LA TORRE  
KRISTINA L. HILLMAN  
ANDREA LAMACONA  
EMILY P. RICH

**WEINBERG, ROGER & ROSENFELD**  
A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200  
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CONCEPCION E. LOZANO-BATISTA  
CAREN P. SONGER  
LINDSEY S. MOCADO  
MANJARI CHAWLA  
KRISTINA M. ZINNEN  
JANNAH V. MANANBALA  
MANUEL A. SOQUELES  
KERIANNE R. STEELE  
ANA M. GALLEGO  
GARY P. PROVENCER

PATRICIA M. GAYES, Of Counsel  
ROBERTA D. PURKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 23, 2008

VIA FACSIMILE & U.S. MAIL

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: Stanford Hospital & Clinics and Lucile Packard Children's Hospital v. SEIU, Local 715  
U.S.D.C. Case No. 5:07-CV-05158; 5:08-CV-00213; 5:08-CV-00215; 5:08-CV-00216;  
5:08-CV-01726; 5:08-CV-01727.

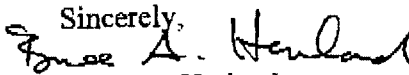
Dear Ms. Ridley:

I am writing this letter on behalf of both Bruce W. Smith and Myriam Escamilla. I have received copies of the Notices of Deposition for both Bruce W. Smith and Myriam Escamilla that you served. It is my understanding that you claim that they are not parties to this action. If that is incorrect, please let me know.

If my understanding is correct, then the both Mr. Smith and Ms. Escamilla object to the subpoenas for the following reasons in accordance with Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure. Clearly, the deposition subpoenas are an effort to harass both Mr. Smith and Ms. Escamilla, especially in light of the fact that you have noticed their depositions as non-parties.

In any event, given the Fourth of July holiday fast approaching and because of other pre-scheduled commitments, neither Mr. Smith nor Ms. Escamilla are available for the dates notice.

Please contact me at your earliest convenience so that we can discuss this matter.

Sincerely,  
  
Bruce A. Harland

BAH/not

cc: Local 715  
Rusty Smith, Trustee  
Myriam Escamilla, Asst. Trustee  
117443/497466



**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 23, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094, and  
3097

Bruce Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: SEIU, Local 715 v. Stanford Hospital & Clinics and Lucille  
Packard Childrens' Hospital  
U.S. Dist. Ct. Northern Dist. Ca Case Nos. C-07-cv-5158,  
5:08-cv-00213, 5:08-cv-00215, 5:08-cv-00216, 5:08-cv-01727,  
and 5:08-cv-01726

Dear Mr. Harland:

This will respond to your letter of today's date regarding the depositions of Mr. Smith and Ms. Escamilla.

You are incorrect regarding the basis of service. Mr. Smith was served as a party as we understand he is the trustee for Local 715.

Ms. Escamilla was served as a non-party as we understand she is employed by UHW. Ms. Escamilla has repeatedly evaded service including refusing to accept the subpoena at work and arranging to have the subpoena accepted at her home to only to thereafter refuse to accept service of the subpoena. Ms. Escamilla's actions are inappropriate and contrary to law and we will seek redress from the Court if she continues to actively and consciously evade service. As your office apparently represents Ms. Escamilla, we will agree to permit acceptance of the subpoena through your office if you are authorized to accept such service. If not, we will seek redress from the Court for Ms. Escamilla's actions. Please confirm you may accept service of the subpoena on Ms. Escamilla's behalf.

Having said the above, the simple request for a deposition is not harassment, and thus the objections raised to the proceedings are inappropriate both in form and substance.. Indeed, both Mr. Smith and Ms. Escamilla have information regarding the issues related to the existence, representation, and the use of resources of Local 715 which you well know. Mr. Smith is purportedly that entity's trustee, and Ms. Escamilla a representative of UHW assigned to Stanford Hospital & Clinics and Lucile Packard Children's Hospital under the purported servicing agreement with Local 715 as well as the purported trustee's assistant. Moreover, the Court specifically permitted such discovery to take place. Finally, the depositions were specifically set so as to not take place over the July 4<sup>th</sup> holiday. As there is a filing deadline with the Court of July 18, 2008, we expect both the witnesses to appear at their depositions. If they truly need to reschedule the dates of

BOSTON  
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NEW YORK  
ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR

SAN FRANCISCO  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA

TOKYO  
WASHINGTON, D.C.



Bruce Harland  
June 23, 2008  
Page 2

the proceedings, please provide us with suggested alternative date to be considered as soon as possible.

Continued failure to respond to discovery requests by persons or entities represented by your office will be raised with the Court – particularly in light of the up-coming deadlines in the case. We trust the present impasse will be resolved short of the need for Court intervention.

Very truly yours,

A handwritten signature in black ink that reads 'Eileen R. Ridley /s/ .'. The signature is written in a cursive, flowing style.

Eileen R. Ridley



**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

**FOLEY**

**FOLEY & LARDNER LLP**

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Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

*Eileen*

 INFO

7/2/2008

**Inciardi, Scott P.**

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**From:** Ridley, Eileen R.  
**Sent:** Friday, June 27, 2008 4:59 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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*Eileen*

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**Sent:** Monday, June 30, 2008 7:41 AM  
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**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

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**Inciardi, Scott P.**

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**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 4:28 PM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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**FOLEY & LARDNER LLP**

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Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen



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**Inciardi, Scott P.**

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**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions: discovery was limited to whether or not Local 715 had standing to sue.

Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008.

However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

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**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrassment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to address the areas the Court permitted to be the subject of discovery - the existance of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of indivudals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

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Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions: discovery was limited to whether or not Local 715 had standing to sue. Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008. However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

-----Original Message-----

From: Ridley, Eileen R. [mailto:ERidley@foley.com]  
Sent: Tuesday, July 01, 2008 4:28 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mm1.lettermark.net/foleylaw/card/ANCB_3.map)>  
<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mm1.lettermark.net/foleylaw/card/ANCB_3.gif)>

Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

<[http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP](http://www.lettermark.net/emailhelp.asp?id=Foley%20&Lardner%20LLP)>

-----Original Message-----

From: Bruce Harland [bharland@unioncounsel.net]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]  
Sent: Fri 6/27/2008 4:59 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

[http://mml.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mml.lettermark.net/foleylaw/card/ANCB_3.map)

[http://mml.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mml.lettermark.net/foleylaw/card/ANCB_3.gif)

Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

Eileen

[http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP](http://www.lettermark.net/emailhelp.asp?id=Foley%20&Lardner%20LLP)>

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From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:



I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

Eileen

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cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:14 PM  
**To:** Arnold, Laurence R.; Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Final Signed Report & Recommendation.pdf; KS Letter Requesting Trusteeship.pdf; Signed HO Report - 8-13-07.pdf; Stanford Hosp Servicing Agreement.pdf; Order of Reorganization.pdf; Form LM-15 Trusteeship Report May 2008.pdf; Letter to Bruce Smith 6-8-2007.pdf; Letter to Bruce Smith 8-23-2007.pdf; Letter to Clarence Dodge March 1972.pdf

---

**From:** Norman Gleichman [mailto:Norman.Gleichman@seiu.org]  
**Sent:** Tuesday, July 01, 2008 1:18 PM  
**To:** Ridley, Eileen R.  
**Subject:** RE: Local 715 v. SHC/LPCH - Documents To Be Authenticated

Dear Ms. Ridley:

I have reviewed your e-mail and the documents you have forwarded with your request that SEIU authenticate them.

First, I wish to reiterate SEIU's position, stated in SEIU's objection dated May 27, 2008, that the subpoenas do not comply with Rule 45(c) of the Federal Rules of Civil Procedure. As I understand it from your communications to date, the Court in this matter has permitted discovery on the narrow question of the existence of Local 715. You have not supplied me with the Court's discovery order, but I assume you have accurately described it.

It is well settled that no formal structure or financing arrangement is required to meet the definition of "labor organization" under the National Labor Relations Act. Thus, a group of employees can constitute a labor organization without officer elections or elected officials, membership meetings, a dues structure, or a set of bylaws. All that is required is employee participation for the purpose of dealing with employers over wages, hours, or terms and conditions of employment. See, e.g., *Sahara Datsun v. NLRB*, 811 F.2d 1317 (9th Cir. 1987); *Polaroid Corp.* 329 NLRB 424 (1999).

Against this backdrop, your subpoena goes far beyond the narrow area of inquiry open to you concerning the issue of the existence of Local 715. As just one example, the identity of the counsel selected to represent Local 715, a subject of the Hospitals' requests for production nos. 1, 20 and 21, is completely irrelevant to the question whether Local 715 exists. Without limitation, the same is true regarding financial transactions regarding Local 715, other SEIU local unions, or SEIU. See request nos. 19, 22-27, 56-57. In sum, these subpoenas constitute an obvious fishing expedition having nothing whatever to do with the question of Local 715's existence.

The subpoenas are also unduly burdensome, in violation of the Federal Rules. The requests are so broadly worded that they would require virtually every piece of written communication to Local 715 to be produced. See, without limitation, request nos. 5, 7, 8, 9 and 10. In this connection, you are advised that SEIU does not maintain a central filing system where documents are uniformly and systematically maintained according to subject matter or other categories. Instead, files and records are kept separately in SEIU's numerous separate departments and regional offices, as well as by individual staff members within those departments. The record retention policies, protocols and categories, if any, used in those separate departments and regional offices are not necessarily compatible. Additionally, a significant volume of SEIU files are not readily accessible because they have been boxed and transferred to an outside archive. Accordingly, the requests detailed herein and similar requests would require SEIU to spend countless hours locating and combing through thousands of separate, uncatalogued files maintained in separate Departments and offices, as well as to retrieve and review files boxed and stored in the

7/2/2008

outside archives, simply to determine whether they contain any material falling within the scope of the subpoena. This search would have to be performed manually. The expense to the SEIU in personnel time and archives retrieval charges would be enormous. The subpoena imposes a substantial additional burden on the SEIU in that its personnel would be precluded from carrying out the essential business of SEIU while deployed in the document search demanded by the Hospitals.

The sweeping scope of the subpoenas would force SEIU to divulge SEIU and its members communications on all issues, deliberations, and other activity protected by the First Amendment, including but not limited to SEIU's and its members exercise of the right to freedom of association and freedom of speech. Moreover, while the subpoenas would force the SEIU to mount an expensive, time-consuming records search, that effort will yield little, if any relevant material given the definition of labor organization under the NLRA.

Furthermore, as indicated in SEIU's objection, SEIU does not have custody of much of the documentation your subpoena seeks. I repeat that SEIU is not a party to these actions, and under the Labor Management Reporting and Disclosure Act is not the same labor organization as its affiliated local unions.

Nevertheless, without waiving its stated objections to the subpoenas, in an effort to reach agreement on issues raised by the subpoenas, SEIU further responds to your request as follows:

SEIU is agreeable to stipulating to the authenticity of the following documents:

- Order of Emergency Trusteeship dated June 8, 2007
- Form LM-15 Trusteeship Report
- Memorandum from Andrew L. Stern re: trusteeship of Local 715, dated June 8, 2007
- Notice of Hearing signed by Anna Burger dated July 12, 2007
- Memorandum from Andrew L. Stern re: IEB Decision on California Jurisdiction dated June 11, 2006

SEIU is unable to stipulate to the authenticity of the following documents for the reasons given:

- Letter from B.W. Smith to Laurie Quintel dated December 19, 2007. This letter was purported issued by Local 715, and Local 715 is the entity that would be in a position to authenticate this document.
- Letter from B.W. Smith to Laurie Quintel dated February 12, 2008. See comment above.
- Hearing Officers' Joint Report and Recommendations. The version you sent to me is unsigned.

Without waiving SEIU's previously stated objections to your subpoena, SEIU is producing herewith the following additional documents that are covered by the subpoena:

- Signed Hearing Officers' Joint Report and Recommendations dated June 9, 2006
- Order of Reorganization signed by Andrew Stern dated January 2, 2007
- Hearing Officer's Report on Local 715 trusteeship dated August 13, 2007
- Letter from Kristina Sermersheim to Andrew Stern dated June 4, 2007
- Letter to Bruce Smith from Andrew L. Stern dated June 8, 2007
- Letter to Clarence Dodge from George E. Fairchild dated March 2, 1972
- Letter to Bruce Smith from Anna Burger dated August 23, 2007
- Servicing Agreement between Local 715 and UHW
- Form LM-15 Trusteeship Report May 2008

SEIU will further stipulate that the hearing officers' reports attached hereto were duly approved by the SEIU International Executive Board.

With respect to taking President Stern's deposition, I am advised that President Stern will be out of the country between July 9 and July 20, and will not be available prior to his departure. However, I can make his assistant James J. Johnston available in his place. Mr. Johnston recently served as SEIU California Area Director and is currently Director of Union-Wide Programs. By virtue of holding these positions, Mr. Johnston is knowledgeable about the existence of Local 715. Mr. Johnston is available on July 10 and 11. Our preference would be July 10. Please note that Mr. Johnston may only be questioned on the narrow issue about which I understand the Court has permitted discovery: the existence of Local 715.

With respect to Greg Pullman, you seemed surprised when I advised you that has been an International Union employee since November 2006. Yet Mr. Pullman testified to this in his deposition which the Hospitals took on March 22, 2007, at which he answered questions related to the 2006 SEIU reorganization in California. It would plainly be improper, oppressive and vexatious to depose Mr. Pullman again on the same issue. Please let me know specifically why the Hospitals seek to depose Mr. Pullman.

Yours,

Norman M. Gleichman  
Deputy General Counsel

---

**From:** Ridley, Eileen R. [mailto:ERidley@foley.com]  
**Sent:** Thu 6/26/2008 2:47 AM  
**To:** Norman Gleichman  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated



Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations  
□

June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman  
□

7/2/2008

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources, Please provide us with available dates for these proceedings. Thanks very much.



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**EXHIBIT J**

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**JUN 27 2008**

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MANUEL A. BORGES  
KERRANNE R. STEELE  
ANA M. GALLEGO  
GARY P. PROVENCER

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 26, 2008

**WORKING COPY**

Scott P. Inciardi  
Foley & Lardner LLP  
One Maritime Plaza  
San Francisco, CA 94111

Re: SEIU Local 715  
Stanford Hospital & Clinics and Lucille Packard Children's Hospital  
U.S. District Court, No. District California, Case No. 07-cv-05158 JF, et al.

Dear Mr. Inciardi:

I am writing concerning the subpoenas for deposition of Kristy Sermersheim, which you unilaterally scheduled on July 1, 2008. Neither Ms. Sermersheim nor myself is available on July 1 for that proposed deposition. Please contact me at your earliest convenience to discuss possible dates and to discuss the necessity of taking Ms. Sermersheim's deposition. I do not believe that, given the causes of action in this matter, that Ms. Sermersheim has any relevant information for you and am not entirely certain that her deposition is necessary. However, we would like to work with you in good faith to discuss this rather than file an immediate motion to quash. I look forward to discussing this matter further with you.

Sincerely,



Andrea Laiacona

AL/sm  
opeiu 3 afl-cio(1)  
cc: Kristy Sermersheim



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 30, 2008

VIA FACSIMILE AND U.S. MAIL

CLIENT/MATTER NUMBER  
085437-3056 (3080) 3081, 3083, 3094 and  
3097

Andrea Laiacona  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Ste. 200  
Alameda, CA 94501-1091

Re: *SEIU v. Stanford Hospital & Clinics, et al.*  
U.S. Dist. Ct. Case Nos.: C-07-cv-5158, 5:08-cv-00213, 5:08-  
cv-00215, 5:08-cv-002216, 5:08-cv-01727 and 5:08-cv-01726

Dear Ms. Laiacona:

This will respond to your letter of June 26, 2008 regarding the above-referenced matters and the deposition of Kristy Sermersheim. Ms. Sermersheim, as you know, was the executive secretary of SEIU Local 715 and was involved (and gave testimony) regarding the SEIU International's activities concerning the reorganization of the local union entities – including Local 715. Moreover, Ms. Sermersheim is identified in a number of documents regarding this matter. Thus, Ms. Sermersheim not only has relevant information, her testimony goes to the heart of one of the issues being litigated in the case. Thus, we require her deposition to take place. Please provide us with available dates for this proceeding.

We further write to address Local 521's complete failure to properly respond to the subpoena issued to it and produce documents. We have received no documentation from this entity whatsoever. Please confirm that Local 521 will provide a proper response to the subpoena (as noted in Eileen Ridley's letter of June 9, 2008) and will produce documents this week. Failure of Local 521 to do so will result in a motion to compel being filed to obtain the discovery requested.

Very truly yours,

Scott P. Inciardi

cc: Eileen R. Ridley

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LOS ANGELES  
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FOLEY &amp; LARDNER LLP

## ATTORNEYS AT LAW

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## FACSIMILE TRANSMISSION

Total # of Pages 2 (including this page)

TO:	PHONE #:	FAX #:
Andrea Laiacona Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Ste. 200 Alameda, CA 94501-1091	5101.337.1001	510.337.1023

**From :** Scott P. Inciardi  
**Email Address :** sinciardi@foley.com  
**Sender's Direct Dial :** 415.984.9863  
**Date :** June 30, 2008  
**Client/Matter No :** 085437-3056, 3080, 3094, 3083, 3081 & 3097  
**User ID No :** 3578

## MESSAGE:

Please see the attached.

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TO:	PHONE #:	FAX #:
Andrea Laiacona Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Ste. 200 Alameda, CA 94501-1091	5101.337.1001	510.337.1023

**From :** Scott P. Inciardi  
**Email Address :** sinciardi@foley.com  
**Sender's Direct Dial :** 415.984.9863  
**Date :** June 30, 2008  
**Client/Matter No :** 085437-3056, 3080, 3094, 3083, 3081 & 3097  
**User ID No :** 3578

### MESSAGE:

Please see the attached.

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:14 PM  
**To:** Arnold, Laurence R.; Inciardi, Scott P.  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated  
**Attachments:** Final Signed Report & Recommendation.pdf; KS Letter Requesting Trusteeship.pdf; Signed HO Report - 8-13-07.pdf; Stanford Hosp Servicing Agreement.pdf; Order of Reorganization.pdf; Form LM-15 Trusteeship Report May 2008.pdf; Letter to Bruce Smith 6-8-2007.pdf; Letter to Bruce Smith 8-23-2007.pdf; Letter to Clarence Dodge March 1972.pdf

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**Sent:** Tuesday, July 01, 2008 1:18 PM  
**To:** Ridley, Eileen R.  
**Subject:** RE: Local 715 v. SHC/LPCH - Documents To Be Authenticated

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7/2/2008

outside archives, simply to determine whether they contain any material falling within the scope of the subpoena. This search would have to be performed manually. The expense to the SEIU in personnel time and archives retrieval charges would be enormous. The subpoena imposes a substantial additional burden on the SEIU in that its personnel would be precluded from carrying out the essential business of SEIU while deployed in the document search demanded by the Hospitals.

The sweeping scope of the subpoenas would force SEIU to divulge SEIU and its members communications on all issues, deliberations, and other activity protected by the First Amendment, including but not limited to SEIU's and its members exercise of the right to freedom of association and freedom of speech. Moreover, while the subpoenas would force the SEIU to mount an expensive, time-consuming records search, that effort will yield little, if any relevant material given the definition of labor organization under the NLRA.

Furthermore, as indicated in SEIU's objection, SEIU does not have custody of much of the documentation your subpoena seeks. I repeat that SEIU is not a party to these actions, and under the Labor Management Reporting and Disclosure Act is not the same labor organization as its affiliated local unions.

Nevertheless, without waiving its stated objections to the subpoenas, in an effort to reach agreement on issues raised by the subpoenas, SEIU further responds to your request as follows:

SEIU is agreeable to stipulating to the authenticity of the following documents:

- Order of Emergency Trusteeship dated June 8, 2007
- Form LM-15 Trusteeship Report
- Memorandum from Andrew L. Stern re: trusteeship of Local 715, dated June 8, 2007
- Notice of Hearing signed by Anna Burger dated July 12, 2007
- Memorandum from Andrew L. Stern re: IEB Decision on California Jurisdiction dated June 11, 2006

SEIU is unable to stipulate to the authenticity of the following documents for the reasons given:

- Letter from B.W. Smith to Laurie Quintel dated December 19, 2007. This letter was purported issued by Local 715, and Local 715 is the entity that would be in a position to authenticate this document.
- Letter from B.W. Smith to Laurie Quintel dated February 12, 2008. See comment above.
- Hearing Officers' Joint Report and Recommendations. The version you sent to me is unsigned.

Without waiving SEIU's previously stated objections to your subpoena, SEIU is producing herewith the following additional documents that are covered by the subpoena:

- Signed Hearing Officers' Joint Report and Recommendations dated June 9, 2006
- Order of Reorganization signed by Andrew Stern dated January 2, 2007
- Hearing Officer's Report on Local 715 trusteeship dated August 13, 2007
- Letter from Kristina Sermersheim to Andrew Stern dated June 4, 2007
- Letter to Bruce Smith from Andrew L. Stern dated June 8, 2007
- Letter to Clarence Dodge from George E. Fairchild dated March 2, 1972
- Letter to Bruce Smith from Anna Burger dated August 23, 2007
- Servicing Agreement between Local 715 and UHW
- Form LM-15 Trusteeship Report May 2008

SEIU will further stipulate that the hearing officers' reports attached hereto were duly approved by the SEIU International Executive Board.

With respect to taking President Stern's deposition, I am advised that President Stern will be out of the country between July 9 and July 20, and will not be available prior to his departure. However, I can make his assistant James J. Johnston available in his place. Mr. Johnston recently served as SEIU California Area Director and is currently Director of Union-Wide Programs. By virtue of holding these positions, Mr. Johnston is knowledgeable about the existence of Local 715. Mr. Johnston is available on July 10 and 11. Our preference would be July 10. Please note that Mr. Johnston may only be questioned on the narrow issue about which I understand the Court has permitted discovery: the existence of Local 715.

With respect to Greg Pullman, you seemed surprised when I advised you that has been an International Union employee since November 2006. Yet Mr. Pullman testified to this in his deposition which the Hospitals took on March 22, 2007, at which he answered questions related to the 2006 SEIU reorganization in California. It would plainly be improper, oppressive and vexatious to depose Mr. Pullman again on the same issue. Please let me know specifically why the Hospitals seek to depose Mr. Pullman.

Yours,

Norman M. Gleichman  
Deputy General Counsel

---

**From:** Ridley, Eileen R. [mailto:ERidley@foley.com]  
**Sent:** Thu 6/26/2008 2:47 AM  
**To:** Norman Gleichman  
**Subject:** FW: Local 715 v. SHC/LPCH - Documents To Be Authenticated



Mr. Gleichman:

Per our conversation this week attached are documents we would request your client to authenticate which include the following:

June 9, 2006 Hearing Officers' Joint Report And Recommendations  
□

June 11, 2006 memo from Andrew Stern to Affected SEIU Local Unions in California regarding the IEP decision on California jurisdiction

June 8, 2007 notice of appointment of trustee signed by Andrew Stern

June 8, 2007 memo from Andrew Stern to officers and members of Local 715 regarding appointment of trustee

July, 2007 Form LM-15 (Trusteeship Report) signed by Andrew Stern and Anna Burger.

July 12, 2007 Memo from Anna Burger, International Secretary-Treasurer titled "Notice Of Hearing Appointment Of Hearing Officer And Rules Of Procedure."

December 19, 2007 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman

February 12, 2008 letter from B. Smith to L. Quintel reflecting copy sent to Norm Gleichman  
□

7/2/2008

In addition, we need to have your client respond to the requests presented by the subpoena (obviously, if there are no responsive documents we will need a verified statement to that effect). Further, we are aware there are likely documents retained by your client which are responsive to the requests but are not included in the above request for authentication. In order to expedite this process, please let us know the quantity of responsive documents your client has. While your client's response was due on Monday, we have agreed to an extension of time. However, we will need a response by early next week.

Finally, as discussed, we will want to depose Mr. Stern and Pullman. In particular, Mr. Stern was involved in the creation of the trust regarding Local 715 which is a subject in this matter. Again, our focus is related to the existence and representation of Local 715 and the use of its resources, Please provide us with available dates for these proceedings. Thanks very much.



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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

## **EXHIBIT K**

1 WILLIAM A. SOKOL, Bar No. 072740  
2 W. DANIEL BOONE, Bar No. 046553  
3 BRUCE A. HARLAND, Bar No. 230477  
4 WEINBERG, ROGER & ROSENFELD  
5 A Professional Corporation  
6 1001 Marina Village Parkway, Suite 200  
7 Alameda, California 94501-1091  
8 Telephone 510.337.1001  
9 Fax 510.337.1023

10 Attorneys for Petitioner  
11 SEIU LOCAL 715

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 SERVICE EMPLOYEES INTERNATIONAL ) No. C-08-CV-0213  
16 UNION, LOCAL 715, )  
17 ) SEIU LOCAL 715'S RESPONSE TO  
18 ) DEFENDANTS' REQUEST FOR  
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**GENERAL OBJECTIONS TO REQUEST FOR PRODUCTION**

1. Petitioner objects to the requests for production, and to each category of information sought, to the extent Respondents purport to require disclosure of information covered by the attorney-client privilege, the work product doctrine, the joint defense privilege, and/or the critical self-analysis privilege.

2. Petitioner objects to the requests for production, and to each category of information sought, to the extent that they call for disclosure of information which would invade the privacy of third persons who are not parties to this litigation.

3. Petitioner objects to the requests for production generally, and to each category of information sought, to the extent that they purport to require Petitioner to conduct an investigation to obtain information beyond its own records, as unduly burdensome and oppressive.

4. Petitioner objects to the request for production, and to each category of information sought, to the extent that they seek confidential, proprietary or trade secret information.

5. Petitioner objects to the requests for production, and to each category of information sought, to the extent that they call for a legal conclusion.

6. The responses/objections herein are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds which would require the exclusion from evidence of any statement herein, if any request were asked of, or any statement contained herein were made by, a witness present and testifying in court, all of which objections and grounds are expressly reserved so that these may be made at trial.

8. The responses herein are made on the basis of information and writings presently available to and located by Petitioner upon reasonable investigation and inquiry. Because discovery and investigation remain to be completed, there may be other and further information affecting Petitioner's responses/objections to this set of requests for production of which Petitioner, despite reasonable investigation and inquiry, presently is unaware. Defendants is continuing the development of facts and legal issues which are presented in this matter and inquired into by this set of request for production. Petitioner reserves the right to modify its responses/objections herein

1 with such additional information as it may subsequently discover. These responses/objections are  
 2 made by Petitioner without prejudice to its using or relying at trial on subsequently discovered  
 3 information, or on information omitted from these responses/objections as a result of good faith  
 4 oversight of error.

5 9. Petitioner expressly incorporates each and every objection and reservation listed  
 6 above into each and every response made below, as though set forth in full.

### 7 **REQUESTS FOR PRODUCTION**

#### 8 **REQUEST FOR PRODUCTION NO. 1:**

9 Produce all DOCUMENTS and WRITINGS RELATING TO the identification of counsel  
 10 representing LOCAL 715 regarding the issues which are the subject of the COMPLAINT.

#### 11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

12 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 13 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 14 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 15 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 16 The Request is vague as to the meaning "identification of counsel representing Local 715 regarding  
 17 issues which are the subject of the COMPLAINT." Petitioner objects on the ground that this  
 18 Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of  
 19 admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and  
 20 that this information is protected from disclosure by, including but not limited to the attorney client  
 21 privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the  
 22 United States Constitution, and on public policy grounds. Petitioner further objects to this Request  
 23 on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the  
 24 personal financial affairs of third parties.

25 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 26 supplement this response at a later time, up to and including at the time of trial.

#### 27 **REQUEST FOR PRODUCTION NO. 2:**

28 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future

1 representative capacity of LOCAL 715 regarding any employees of RESPONDENT from June 30,  
2 2005 to the present.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

4 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
5 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
6 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
7 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
8 This Request is also vague as to the meaning of "present or future representative capacity of Local  
9 715 regarding employees of Respondent from June 30, 2005 to the present." Petitioner objects on  
10 the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to  
11 the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
12 third parties and that this information is protected from disclosure by, including but not limited to  
13 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
14 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
15 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
16 of privacy to the personal financial affairs of third parties.

17 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
18 supplement this response at a later time, up to and including the time of trial.

19 **REQUEST FOR PRODUCTION NO.3:**

20 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future  
21 representative capacity of LOCAL 521, whether by that name or by other reference to the entity  
22 which became LOCAL 521 when chartered by SEIU International, regarding any employees of  
23 RESPONDENT from June 30, 2005 to the present.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

25 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
26 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
27 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
28 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.

1 This Request is also vague as to the meaning of "the present or future representative capacity of  
 2 Local 521, whether by name or by other reference to the entity which became Local 521 when  
 3 chartered by SEIU, International, regarding any employees of Respondent from June 30, 2005 to  
 4 present." Petitioner objects on the ground that this Request exceeds the scope of permissible  
 5 discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects  
 6 as this Request violates the privacy of third parties and that this information is protected from  
 7 disclosure by, including but not limited to the attorney client privilege, work product doctrine, the  
 8 National Labor Relations Act, the First Amendment of the United States Constitution, and on  
 9 public policy grounds. Petitioner further objects to this Request on the ground that the matter  
 10 seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third  
 11 parties.

12 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 13 supplement this response at a later time, up to and including at the time trial.

14 **REQUEST FOR PRODUCTION NO. 4:**

15 Produce all DOCUMENTS and WRITINGS RELATING TO the present or future  
 16 representative capacity of SEIU-UHW regarding any employees of RESPONDENT from June 30  
 17 2005 to the present.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

19 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 20 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 21 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 22 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 23 This Request is also vague as to the meaning of "the present or future representative capacity of  
 24 SEIU-UHW regarding any employees of Respondent from June 30, 2005 to present." Petitioner  
 25 objects on the ground that this Request exceeds the scope of permissible discovery and is not likely  
 26 to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the  
 27 privacy of third parties and that this information is protected from disclosure by, including but not  
 28 limited to the attorney client privilege, work product doctrine, the National Labor Relations Act,

1 the First Amendment of the United States Constitution, and on public policy grounds. Petitioner  
 2 further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the  
 3 right of privacy to the personal financial affairs of third parties. After a diligent search and  
 4 reasonable inquiry, and without waiving any objections, there are no documents that are responsive  
 5 to this request.

6 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 7 supplement this response at a later time, up to and including at the time trial.

8 **REQUEST FOR PRODUCTION NO. 5:**

9 Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between  
 10 YOU and any SEIU International official and/or representative from June 30, 2005 to the present  
 11 regarding the status of LOCAL 715 (including, without limitation, its existence, its termination  
 12 and/or its merger with or into another LOCAL, or the transfer by any manner of any of its  
 13 represented bargaining units to another LOCAL or LOCALS).

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

15 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 16 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 17 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 18 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 19 This Request is vague as to the meaning of the "status of Local 715". Petitioner objects on the  
 20 ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the  
 21 discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
 22 third parties and that this information is protected from disclosure by, including but not limited to  
 23 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 24 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 25 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 26 of privacy to the personal financial affairs of third parties.

27 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 28 supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 6:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any SEIU-UHW official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of its represented bargaining units to another LOCAL or LOCALS).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO.7:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 521 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).



**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 8:**

Produce all DOCUMENTS and WRITINGS RELATING TO correspondence between YOU and any LOCAL 715 official and/or representative from June 30, 2005 to the present regarding the status of LOCAL 715 (including, without limitation, its existence, its termination and/or its merger with or into another LOCAL, or the transfer by any manner of any of its represented bargaining units to another LOCAL or LOCALS).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning "between YOU and any LOCAL 715 official and/or

1 representative” and as to “the status of LOCAL 715”. Petitioner objects on the ground that this  
 2 Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of  
 3 admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and  
 4 that this information is protected from disclosure by, including but not limited to the attorney client  
 5 privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the  
 6 United States Constitution, and on public policy grounds. Petitioner further objects to this Request  
 7 on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the  
 8 personal financial affairs of third parties.

9 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 10 supplement this response at a later time, up to and including at the time trial.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 Produce all DOCUMENTS and WRITINGS RELATING TO the handling of any funds  
 13 (including, without limitation, dues payments) RELATING TO LOCAL 715 (including, without  
 14 limitation, all deposits, payments and transfers of said funds) from January 2007 to the present.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

16 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 17 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 18 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 19 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 20 This Request is vague as to the meaning of “handling of any funds”. Petitioner objects on the  
 21 ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the  
 22 discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
 23 third parties and that this information is protected from disclosure by, including but not limited to  
 24 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 25 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 26 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 27 of privacy to the personal financial affairs of third parties.

28 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or



1 supplement this response at a later time, up to and including at the time trial.

2 **REQUEST FOR PRODUCTION NO. 10:**

3 Produce all DOCUMENTS and WRITINGS RELATING TO the affairs and transactions of  
4 LOCAL 715 from January 2006 to the present (including, without limitation, all reports and  
5 monitoring activities of said affairs and transactions).

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

7 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
8 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
9 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
10 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
11 This Request is vague as to the meaning of "affairs and transactions of LOCAL 715" and "all  
12 reports and monitoring activities of said affairs and transactions." Petitioner objects on the ground  
13 that this Request exceeds the scope of permissible discovery and is not likely to lead to the  
14 discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
15 third parties and that this information is protected from disclosure by, including but not limited to  
16 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
17 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
18 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
19 of privacy to the personal financial affairs of third parties.

20 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
21 supplement this response at a later time, up to and including at the time trial.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 Produce all DOCUMENTS and WRITINGS RELATING TO the establishment of a  
24 trusteeship for LOCAL 715 from January 2007 to the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

26 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
27 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
28 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at

multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. Subject to and without waiving any objections, Petitioner produces SEIU0001 to SEIU0009 and SEIU0029 to SEIU0034.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 12:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's website from January 2007 to the present including, without limitation, all links from the website to other sites, all references to LOCAL 715's status (including existence, termination or merger with or into another LOCAL), all references to LOCAL 715's funds, and all references to LOCAL 715's officers and/or trustees. This request specifically includes all versions of LOCAL 715's website during the time period including, without limitation, all changes to the website and the reasons for such changes.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by,

1 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 2 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 3 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 4 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 5 Finally, the requested documents are equally available to Respondent. Subject to and without  
 6 waiving any objections, Petitioner produces SEIU0010 to SEIU0019.

7 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 8 supplement this response at a later time, up to and including at the time trial.

9 **REQUEST FOR PRODUCTION NO. 13:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's website from  
 11 January 2007 to the present including, without limitation, all links from the website to other sites,  
 12 all references to LOCAL 521's status (including its creation, existence, or merger with other  
 13 LOCALS), all references to LOCAL 521's funds, and all references to LOCAL 521's officers  
 14 and/or trustees. This request specifically includes all versions of LOCAL 521's website during the  
 15 time period including, without limitation, all changes to the website and the reasons for such  
 16 changes.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

18 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 19 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 20 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 21 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 22 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 23 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 24 violates the privacy of third parties and that this information is protected from disclosure by,  
 25 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 26 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 27 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 28 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

1 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
2 documents that are responsive to this request.

3 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
4 supplement this response at a later time, up to and including at the time trial.

5 **REQUEST FOR PRODUCTION NO. 14:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's website from  
7 January 1, 2006 to the present including, without limitation, all links from the website to other  
8 sites, all references to SEIU-UHW's status in any capacity as representative of any employees of  
9 RESPONDENT, and all references to SEIU-UHW's receipt of funds from SEIU-LOCAL 715  
10 and/or SEIU-LOCAL 521. This request specifically includes all versions of SEIU-UHW's website  
11 during the time period including, without limitation, all changes to the website and the reasons for  
12 such changes.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

14 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
15 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
16 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
17 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
18 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
19 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
20 violates the privacy of third parties and that this information is protected from disclosure by,  
21 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
22 Relations Act, the First Amendment of the United States Constitution, and on public policy  
23 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
24 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
25 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
26 documents that are responsive to this request.

27 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
28 supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes thereto from January 1, 2007 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "correspondence between YOU and LOCAL 715 regarding LOCAL 715's website and/or any changes thereto from January 1, 2007 to the present." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 16:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and LOCAL 521 regarding LOCAL 521's website and/or changes thereto from January 1, 2007 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at

multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 17:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between YOU and SEIU-UHW regarding SEIU-UHW's website and/or changes thereto from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.



1 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
2 supplement this response at a later time, up to and including at the time trial.

3 **REQUEST FOR PRODUCTION NO. 18:**

4 Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement  
5 between LOCAL 715 and SEIU-UHW.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
8 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
9 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
10 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
11 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
12 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
13 violates the privacy of third parties and that this information is protected from disclosure by,  
14 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
15 Relations Act, the First Amendment of the United States Constitution, and on public policy  
16 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
17 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
18 Subject to and without waiving any objections, Petitioner produces SEIU0020 to SEIU0027.

19 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
20 supplement this response at a later time, up to and including at the time trial.

21 **REQUEST FOR PRODUCTION NO. 19:**

22 Produce all DOCUMENTS and WRITINGS RELATING TO any Servicing Agreement  
23 between LOCAL 715 and SEIU LOCAL 1877 or its successors or affiliated LOCALS.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

25 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
26 burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague,  
27 ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple  
28 parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to

1 this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible  
 2 discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects  
 3 as this Request violates the privacy of third parties and that this information is protected from  
 4 disclosure by, including but not limited to the attorney client privilege, work product doctrine, the  
 5 National Labor Relations Act, the First Amendment of the United States Constitution, and on  
 6 public policy grounds. Petitioner further objects to this Request on the ground that the matter  
 7 seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third  
 8 parties.

9 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 10 supplement this response at a later time, up to and including at the time trial.

11 **REQUEST FOR PRODUCTION NO. 20:**

12 Produce all DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger &  
 13 Rosenfeld's representation of LOCAL 715 from January 2006 to the present. This request does not  
 14 seek production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks  
 15 production of DOCUMENTS and WRITINGS RELATING TO Weinberg, Roger & Rosenfeld's  
 16 retention to represent LOCAL 715.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

18 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
 19 burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague,  
 20 ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple  
 21 parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to  
 22 this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible  
 23 discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects  
 24 as this Request violates the privacy of third parties and that this information is protected from  
 25 disclosure by, including but not limited to the attorney client privilege, work product doctrine, the  
 26 National Labor Relations Act, the First Amendment of the United States Constitution, and on  
 27 public policy grounds. Petitioner further objects to this Request on the ground that the matter  
 28 seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third



1 parties.

2 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
3 supplement this response at a later time, up to and including at the time trial.

4 **REQUEST FOR PRODUCTION NO. 21:**

5 Produce all DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon LLP's  
6 representation of LOCAL 715 from January 2007 to the present. This request does not seek  
7 production of DOCUMENTS and WRITINGS concerning counsel's advice but merely seeks  
8 production of DOCUMENTS and WRITINGS RELATING TO Altshuler Berzon's retention to  
9 represent LOCAL 715.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

11 Petitioner objects to this Request on the grounds that is it overbroad, unduly  
12 burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague,  
13 ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple  
14 parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to  
15 this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible  
16 discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects  
17 as this Request violates the privacy of third parties and that this information is protected from  
18 disclosure by, including but not limited to the attorney client privilege, work product doctrine, the  
19 National Labor Relations Act, the First Amendment of the United States Constitution, and on  
20 public policy grounds. Petitioner further objects to this Request on the ground that the matter  
21 seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third  
22 parties.

23 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
24 supplement this response at a later time, up to and including at the time trial.

25 **REQUEST FOR PRODUCTION NO. 22:**

26 Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from  
27 SEIU-LOCAL 715.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "receipt of funds from SEIU-LOCAL 715." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 23:**

Produce all DOCUMENTS and WRITINGS RELATING TO YOUR receipt of funds from SEIU-LOCAL 521.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Petitioner objects to this Request on the grounds that it is overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This request is vague as to the meaning of "receipt of funds". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to

1 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 2 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 3 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 4 of privacy to the personal financial affairs of third parties.

5 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 6 supplement this response at a later time, up to and including at the time trial.

7 **REQUEST FOR PRODUCTION NO. 24:**

8 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's transfer and/or  
 9 payment of funds to SEIU-UHW.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

11 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 12 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 13 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 14 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 15 This Request is vague as to the "transfer and/or payment of funds". Petitioner objects on the  
 16 ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the  
 17 discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
 18 third parties and that this information is protected from disclosure by, including but not limited to  
 19 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 20 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 21 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 22 of privacy to the personal financial affairs of third parties.

23 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 24 supplement this response at a later time, up to and including at the time trial.

25 **REQUEST FOR PRODUCTION NO. 25:**

26 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or  
 27 payment of funds to SEIU-UHW.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 26:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's transfer and/or payment of funds to SEIU LOCAL 1877 or its successor or affiliated LOCALS.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy

1 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 2 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 3 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 4 documents that are responsive to this request.

5 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 6 supplement this response at a later time, up to and including at the time trial.

7 **REQUEST FOR PRODUCTION NO. 27:**

8 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds  
 9 between LOCAL 715 and LOCAL 521 (including, without limitation, any transfer of funds,  
 10 payment of funds and/or receipt of funds).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 13 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 14 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 15 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 16 This Request is vague as to the meaning of "exchange of funds". Petitioner objects on the ground  
 17 that this Request exceeds the scope of permissible discovery and is not likely to lead to the  
 18 discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
 19 third parties and that this information is protected from disclosure by, including but not limited to  
 20 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 21 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 22 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 23 of privacy to the personal financial affairs of third parties.

24 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 25 supplement this response at a later time, up to and including at the time trial.

26 **REQUEST FOR PRODUCTION NO. 28:**

27 Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive  
 28 Board meetings and/or Special Executive Board meetings for LOCAL 715 between July 1, 2005 and

1 June 9, 2007.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

3 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 4 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 5 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 6 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 7 This Request is vague as to the meaning of "all notices of Executive Board meetings and/or Special  
 8 Executive Board meetings". Petitioner objects on the ground that this Request exceeds the scope  
 9 of permissible discovery and is not likely to lead to the discovery of admissible evidence.  
 10 Petitioner also objects as this Request violates the privacy of third parties and that this information  
 11 is protected from disclosure by, including but not limited to the attorney client privilege, work  
 12 product doctrine, the National Labor Relations Act, the First Amendment of the United States  
 13 Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground  
 14 that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial  
 15 affairs of third parties.

16 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 17 supplement this response at a later time, up to and including at the time trial.

18 **REQUEST FOR PRODUCTION NO. 29:**

19 Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive  
 20 Board meetings and/or Special Executive Board meetings for LOCAL 521 between July 1, 2006 and  
 21 June 9, 2007.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

23 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 24 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 25 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 26 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 27 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 28 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request



violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 30:**

Produce all DOCUMENTS and WRITINGS RELATING TO all notices of Executive Board meetings and/or Special Executive Board meetings for SEIU-UHW between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

1 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
2 supplement this response at a later time, up to and including at the time trial.

3 **REQUEST FOR PRODUCTION NO. 31:**

4 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive  
5 Board meetings for LOCAL 715 held between July 1, 2005 and June 9, 2007 including, without  
6 limitation, a list of those in attendance and those not in attendance at said meetings.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

8 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
9 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
10 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
11 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
12 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
13 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
14 violates the privacy of third parties and that this information is protected from disclosure by,  
15 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
16 Relations Act, the First Amendment of the United States Constitution, and on public policy  
17 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
18 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

19 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
20 supplement this response at a later time, up to and including at the time trial.

21 **REQUEST FOR PRODUCTION NO. 32:**

22 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive  
23 Board meetings for LOCAL 521 held between July 1, 2006 and June 9, 2007 including, without  
24 limitation, a list of those in attendance and those not in attendance at said meetings.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

26 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
27 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
28 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at



multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 33:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of Executive Board meetings for SEIU-UHW held between July 1, 2005 and June 9, 2007 which reference in any manner the representation of any employees of RESPONDENT including, without limitation, a list of those in attendance and those not in attendance at said meetings.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks

1 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 2 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 3 documents that are responsive to this request.

4 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 5 supplement this response at a later time, up to and including at the time trial.

6 **REQUEST FOR PRODUCTION NO. 34:**

7 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's annual budget  
 8 and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

10 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 11 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 12 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 13 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 14 This Request is vague as to the meaning of "annual budget and/or budgets". Petitioner objects on  
 15 the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to  
 16 the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of  
 17 third parties and that this information is protected from disclosure by, including but not limited to  
 18 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 19 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 20 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 21 of privacy to the personal financial affairs of third parties.

22 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 23 supplement this response at a later time, up to and including at the time trial.

24 **REQUEST FOR PRODUCTION NO. 35:**

25 Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 521's annual budget  
 26 and/or budgets covering and/or applicable to calendar year 2007 or any portion thereof.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

28 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,

1 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 2 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 3 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 4 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 5 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 6 violates the privacy of third parties and that this information is protected from disclosure by,  
 7 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 8 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 9 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 10 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 11 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 12 documents that are responsive to this request.

13 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 14 supplement this response at a later time, up to and including at the time trial.

15 **REQUEST FOR PRODUCTION NO. 36:**

16 Produce all DOCUMENTS and WRITINGS RELATING TO SEIU-UHW's annual budget  
 17 and/or budgets covering and/or applicable to calendar years 2007 and 2008 or any portion thereof.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

19 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 20 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 21 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 22 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 23 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 24 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 25 violates the privacy of third parties and that this information is protected from disclosure by,  
 26 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 27 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 28 grounds. Petitioner further objects to this Request on the ground that the matter seeks

1 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 2 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 3 documents that are responsive to this request.

4 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 5 supplement this response at a later time, up to and including at the time trial.

6 **REQUEST FOR PRODUCTION NO. 37:**

7 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general  
 8 membership meetings for LOCAL 715 (including, without limitation, all regular and special  
 9 general membership meetings) held between July 1, 2005 and June 9, 2007.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

11 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 12 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 13 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 14 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 15 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 16 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 17 violates the privacy of third parties and that this information is protected from disclosure by,  
 18 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 19 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 20 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 21 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

22 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 23 supplement this response at a later time, up to and including at the time trial.

24 **REQUEST FOR PRODUCTION NO. 38:**

25 Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general  
 26 membership meetings for LOCAL 521 (including, without limitation, all regular and special  
 27 general membership meetings) held between January 1, 2007 and June 9, 2007.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 39:**

Produce all DOCUMENTS and WRITINGS RELATING TO all minutes of any general membership meetings for SEIU-UHW (including, without limitation, all regular and special general membership meetings) which reference in any manner the representation of any employees of RESPONDENT and were held between July 1, 2005 and June 9, 2007.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by,



1 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 2 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 3 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 4 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 5 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 6 documents that are responsive to this request.

7 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 8 supplement this response at a later time, up to and including at the time trial.

9 **REQUEST FOR PRODUCTION NO. 40:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL  
 11 715 showing all dues receipts deposits in accounts held by LOCAL 715 from January 2006 to the  
 12 present.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

14 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 15 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 16 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 17 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 18 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 19 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 20 violates the privacy of third parties and that this information is protected from disclosure by,  
 21 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 22 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 23 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 24 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

25 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 26 supplement this response at a later time, up to and including at the time trial.

27 **REQUEST FOR PRODUCTION NO. 41:**

28 Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of LOCAL

521 showing all dues receipts deposits in accounts held by LOCAL 521 received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 42:**

Produce all DOCUMENTS and WRITINGS RELATING TO all bank records of SEIU-UHW showing all dues receipts deposits in accounts held by SEIU-UHW received from or on behalf of any employees of RESPONDENT from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is

1 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 2 violates the privacy of third parties and that this information is protected from disclosure by,  
 3 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 4 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 5 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 6 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

7 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 8 supplement this response at a later time, up to and including at the time trial.

9 **REQUEST FOR PRODUCTION NO. 43:**

10 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other  
 11 appointment of any employee of SEIU-UHW to provide services to LOCAL 715 RELATING TO  
 12 the representation of any employees of RESPONDENT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

14 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 15 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 16 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 17 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 18 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 19 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 20 violates the privacy of third parties and that this information is protected from disclosure by,  
 21 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 22 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 23 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 24 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 25 After a diligent search and reasonable inquiry, and without waiving any objections, without  
 26 Petitioner produces SEIU0020 to SEIU0027.

27 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 28 supplement this response at a later time, up to and including at the time trial.



**REQUEST FOR PRODUCTION NO. 44:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 45:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at

multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 715 RELATING TO the representation of any employee of RESPONDENT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 46:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of counsel by SEIU-UHW to provide services to LOCAL 521 RELATING TO the representation of any employees of RESPONDENT." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work

product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 47:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of counsel by LOCAL 521 to provide services RELATING TO the representation of any employees of RESPONDENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or appointment of counsel by LOCAL 521 to provide services". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 48:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Stanford University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "representation." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 49:**

Produce all DOCUMENTS and WRITINGS RELATING TO LOCAL 715's representation employees of Santa Clara University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "representation." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of

admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 50:**

Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to LOCAL 715 RELATING TO the representation of any employees of Stanford University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "assignment or other appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or

1 supplement this response at a later time, up to and including at the time trial.

2 **REQUEST FOR PRODUCTION NO. 51:**

3 Produce all DOCUMENTS and WRITINGS RELATING TO the assignment or other  
4 appointment of any employee of LOCAL 1877 (or any other LOCAL) to provide services to  
5 LOCAL 715 RELATING TO the representation of any employees of Santa Clara University  
6 from January 2006 to the present.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

8 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
9 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
10 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
11 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
12 This Request is vague as to the meaning of "assignment or other appointment of any employee of  
13 LOCAL 1877 (or any other LOCAL) to provide services". Petitioner objects on the ground that  
14 this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of  
15 admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and  
16 that this information is protected from disclosure by, including but not limited to the attorney client  
17 privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the  
18 United States Constitution, and on public policy grounds. Petitioner further objects to this Request  
19 on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the  
20 personal financial affairs of third parties.

21 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
22 supplement this response at a later time, up to and including at the time trial.

23 **REQUEST FOR PRODUCTION NO. 52:**

24 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between  
25 LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of  
26 any employees of Stanford University from January 2006 to the present.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

28 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,



onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to "and/or any other LOCAL". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 53:**

Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 RELATING TO the representation of any employees of Santa Clara University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "and/or any other LOCAL". Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further



1 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
2 of privacy to the personal financial affairs of third parties.

3 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
4 supplement this response at a later time, up to and including at the time trial.

5 **REQUEST FOR PRODUCTION NO. 54:**

6 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between  
7 LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of  
8 any employees of Stanford University from January 2006 to the present.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

10 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
11 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
12 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
13 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
14 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
15 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
16 violates the privacy of third parties and that this information is protected from disclosure by,  
17 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
18 Relations Act, the First Amendment of the United States Constitution, and on public policy  
19 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
20 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
21 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
22 documents that are responsive to this request.

23 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
24 supplement this response at a later time, up to and including at the time trial.

25 **REQUEST FOR PRODUCTION NO. 55:**

26 Produce all DOCUMENTS and WRITINGS RELATING TO any correspondence between  
27 LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 RELATING TO the representation of  
28 any employees of Santa Clara University from January 2006 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of third parties and that this information is protected from disclosure by, including but not limited to the attorney client privilege, work product doctrine, the National Labor Relations Act, the First Amendment of the United States Constitution, and on public policy grounds. Petitioner further objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties. After a diligent search and reasonable inquiry, and without waiving any objections, there are no documents that are responsive to this request.

Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or supplement this response at a later time, up to and including at the time trial.

**REQUEST FOR PRODUCTION NO. 56:**

Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds between LOCAL 1877 (and/or any other LOCAL) and LOCAL 715 (including, without limitation, any transfer of funds, payment of funds and/or receipt of funds).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome, onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and unintelligible as it is in reference to include alleged action on behalf of multiple parties and at multiple periods of time, therefore Petitioner cannot provide a complete response to this Request. This Request is vague as to the meaning of "exchange of funds." Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request violates the privacy of

1 third parties and that this information is protected from disclosure by, including but not limited to  
 2 the attorney client privilege, work product doctrine, the National Labor Relations Act, the First  
 3 Amendment of the United States Constitution, and on public policy grounds. Petitioner further  
 4 objects to this Request on the ground that the matter seeks unreasonably to intrude upon the right  
 5 of privacy to the personal financial affairs of third parties.

6 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 7 supplement this response at a later time, up to and including at the time trial.

8 **REQUEST FOR PRODUCTION NO. 57:**

9 Produce all DOCUMENTS and WRITINGS RELATING TO any exchange of funds  
 10 between LOCAL 1877 (and/or any other LOCAL) and LOCAL 521 (including, without limitation,  
 11 any transfer of funds, payment of funds and/or receipt of funds).

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

13 Petitioner objects to this Request on the grounds that is it overbroad, unduly burdensome,  
 14 onerous and vague and ambiguous as to time and scope. This Request is vague, ambiguous, and  
 15 unintelligible as it is in reference to include alleged action on behalf of multiple parties and at  
 16 multiple periods of time, therefore Petitioner cannot provide a complete response to this Request.  
 17 Petitioner objects on the ground that this Request exceeds the scope of permissible discovery and is  
 18 not likely to lead to the discovery of admissible evidence. Petitioner also objects as this Request  
 19 violates the privacy of third parties and that this information is protected from disclosure by,  
 20 including but not limited to the attorney client privilege, work product doctrine, the National Labor  
 21 Relations Act, the First Amendment of the United States Constitution, and on public policy  
 22 grounds. Petitioner further objects to this Request on the ground that the matter seeks  
 23 unreasonably to intrude upon the right of privacy to the personal financial affairs of third parties.  
 24 After a diligent search and reasonable inquiry, and without waiving any objections, there are no  
 25 documents that are responsive to this request.

26 Discovery is continuing. Petitioner reserves the right to alter, amend, modify and/or  
 27 supplement this response at a later time, up to and including at the time trial.

1 Dated: June 23, 2008

2 WEINBERG, ROGER & ROSENFELD  
3 A Professional Corporation

4 By: Bruce A. Harland  
5 BRUCE A. HARLAND  
6 Attorneys for Petitioner  
7 SEIU LOCAL 715

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**PROOF OF SERVICE**

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On June 23, 2008, I served upon the following parties in this action:

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404  
E-Mail: eridley@foley.com


copies of the document(s) described as:

**SEIU LOCAL 715'S RESPONSE TO DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

**[X] BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

**[X] BY ELECTRONIC MAIL** I caused to be transmitted each document listed herein via the e-mail address(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on June 23, 2008.

  
\_\_\_\_\_  
Joanna Son



**ORDER OF EMERGENCY TRUSTEESHIP  
APPOINTING A TRUSTEE  
TO TAKE CHARGE AND CONTROL OF THE AFFAIRS OF  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715**

**To: All Officers and Members of Service Employees International Union, Local 715**

Pursuant to my authority under Article VIII, Sections 7(a) and (f), of the SEIU Constitution and Bylaws, I have determined that an emergency situation exists within Service Employees International Union, Local 715 (hereinafter "Local 715"), and that in order to protect the interests of the membership, the immediate appointment of a Trustee is necessary for the purpose of assuring preservation of the union's status as collective bargaining representative and its performance of collective bargaining duties and functions, and otherwise carrying out the legitimate objects of the International Union.

I have received a request from the officers and Executive Board of Local 715 requesting the imposition of the emergency trusteeship due to the difficulties the Local Union is experiencing in performing its collective bargaining duties due to the shift of members and resources to other SEIU local unions. Local 715 is in the process of reorganizing most of its members into Local 521 pursuant to the International Executive Board's June 2006 decision on California jurisdiction. At this point, many members of Local 715 have moved into Local 521 in accordance with this decision. However, Local 715 still retains collective bargaining responsibilities on behalf of members who have not yet been moved into the successor local union. Local 715's responsibilities include the representation of employees and Stanford Hospital and Clinics/Lucile Packard Children's Hospital. Pursuant to the IEB's decision, Local 715's Stanford Hospital members will be united with other SEIU healthcare members in SEIU United Healthcare Workers – West ("UHW").

Reports I have received indicate that, since May 30, 2007, the Hospital has taken the position that Local 715 no longer exists, and the Hospital is refusing to recognize Local 715's servicing agent, UHW. The Hospital's actions threaten to deprive Local 715 members at Stanford Hospital of their collectively-bargained rights. The shift of a large majority of Local 715 members, and resources associated with those members, to Local 521, is making it difficult for Local 715 to carry out its remaining collective bargaining responsibilities and to defend its status as collective bargaining agent. The significant decline in Local 715's membership and resources has impaired the Local's ability to operate as contemplated by the Local 715 constitution and bylaws.

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

1800 Massachusetts Ave NW  
Washington DC 20036

202.730.7000

TDD: 202.730.7481

www.SEIU.org

4944-900H

SEIU0001

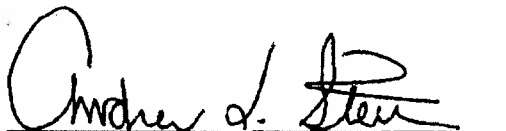


From the information that I have received, including the request from the Local 715 officers and Executive Board for imposition of an emergency trusteeship over Local 715, I have determined that placing Local 715 under trusteeship is the best means of preventing disruption of contracts, assuring that the Local Union performs its duties as collective bargaining representative, protecting the interests of the membership, and otherwise carrying out the legitimate objects of the International Union. Further, I have determined that an emergency exists that justifies pre-hearing appointment of a Trustee. Therefore, in light of the situation facing Local 715 and by virtue of my authority as International President, I have this date appointed Rusty Smith as Trustee of Local 715, with all of the powers that he is entitled to assume under the SEIU Constitution and Bylaws and applicable law. The Trustee shall assume responsibility for Local 715 immediately.

The Local Union's Constitution and Bylaws are suspended for the period of the Trusteeship. By operation of this Order of Emergency Trusteeship and pursuant to my authority under Article VIII of the SEIU Constitution and Bylaws, I hereby remove all Local 715 officers, including Executive Board members, representatives and employees of Local 715. In accordance with Article VIII, Section 7(f) of the SEIU Constitution, I will request that the International Executive Board appoint a hearing officer and that a Notice of Hearing and Appointment of a Hearing Officer be issued in the very near future. Consistent with this notice, a hearing regarding the imposition of an emergency trusteeship over Local 715 will be held within the time limits set forth in Article VIII, Section 7(f).

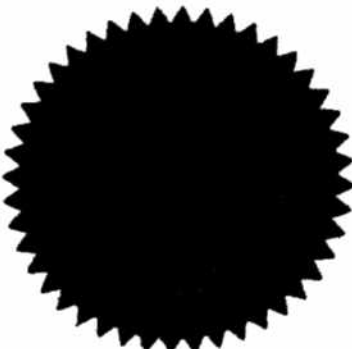
I am requesting that all members and employees of Local 715 cooperate with the Trustee in every respect. All former officers, representatives and employees of the Local Union should immediately make available to the Trustee all books, records, funds and other property of the Local Union in their possession and control.

Dated this 8<sup>th</sup> day of June, 2007.



Andrew L. Stern  
International President

cc: Anna Burger, International Secretary Treasurer  
Kristy Sermersheim, Executive Secretary, Local 715  
Former Executive Board Members, Local 715  
Rusty Smith, Trustee



SEIU0002



LOCAL 715

DATE: 6/14/07TO: Laurie Qunilal

C/O: \_\_\_\_\_

FROM: Busty SmithCover Page + 2 page(s)☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Message: \_\_\_\_\_

C: \_\_\_\_\_

**NOTE: IF FACSIMILE IS MISREDIRECTED**

The page(s) comprising this facsimile transmission contain confidential information from SEIU Local 715. This information is intended solely for use by the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us by telephone immediately.

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2302 ZANKER ROAD, SAN JOSE, CA 95131 ■ 408-954-8715 ■ Fax: 408-954-1538

**REDWOOD CITY OFFICE**

891 MARSHALL STREET, REDWOOD CITY, CA 94038 ■ 650-365-8715 ■ Fax: 650-365-7956

**STANFORD OFFICE**

P.O. BOX 19152, STANFORD, CA 94309 ■ 650-723-3680 ■ Fax: 650-723-3650

08/14/2007 16:13 FAX 408 954 1111

SEIU 521

002/003

June 14, 2007

*Via Facsimile and U.S. Mail*

Laurie J. Qunitel, Director - Employee and Labor Relations  
Stanford Hospital and Clinics  
300 Pasteur Drive M/C 5513  
Stanford, CA 94305-5513

Dear Ms. Qunitel:

On June 8, 2007, the International President of the Service Employees International Union ("SEIU"), CtW, CLC, Andrew L. Stern, acting pursuant to Article VIII, Section 7 of the International Union's Constitution and Bylaws and applicable federal law, took control of all operations of SEIU Local 715 ("Local 715"). A copy of the official Trusteeship Order is attached hereto.

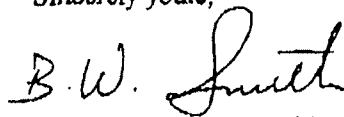
All officers of Local 715 have been removed. President Stern appointed me as the Trustee with full authority to act on behalf of Local 715.

Effective June 8, 2007, all matters relating to the representation of the employees of your organization under the Local 715 collective bargaining agreement will be handled under my direction. We intend to fulfill all of our collective bargaining obligations, and expect no interruption in the provision of services to our members.

All servicing agreements to which Local 715 is a party will remain in full force and effect in every respect, without any change whatsoever. Accordingly, Kim Tavaglione, Joceyln Olick, and Ella Hereth will continue to be the representative responsible for servicing your facility.

If you have any questions, please feel free to call me at 408-316-4460.  
Thank you.

Sincerely yours,

  
Bruce W. ("Rusty") Smith  
International Trustee

Attachment

SEIU0004

06/14/2007 16:13 FAX 408 954 1100

SEIU 521

0003/003



June 8, 2007

**TO WHOM IT MAY CONCERN:**

In accordance with the powers vested in me by the Constitution and Bylaws of the Service Employees International Union, CtW, CLC, I have appointed Bruce W. Smith as Trustee over the affairs of SEIU Local 715, effective immediately.

The Trustee will have charge of the affairs of the Local Union until relieved of responsibility by me.

The Trustee will be governed by the provisions of the Service Employees International Union Constitution and Bylaws and the provisions of applicable law.

Sincerely,

Andrew L. Stern  
International President

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

EUSEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

1800 Massachusetts Ave NW  
Washington DC 20036

202.730.7000

TDD: 202.730.7481

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012501 0101-1001 0



SEIU0005

LOCAL 715



www.seiu715.org

# LOCAL 715

SERVICE EMPLOYEES INTERNATIONAL UNION

Via Facsimile

June 18, 2007

Laurie J. Quintel, Director  
Employee and Labor Relations  
Stanford Hospital and Clinics  
300 Pasteur Drive – M/C 5513  
Stanford, CA 94305-5513

Dear Ms. Quintel:

On June 8, 2007, the International President of the Service Employees International Union ("SEIU"), CTW, CLC, Andrew L. Stern, acting pursuant to Article VIII, Section 7 of the International Union's Constitution and Bylaws and applicable federal law, took control of all operations of SEIU Local 715 ("Local 715"). A copy of the official Trusteeship Order is attached hereto.

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If you have any questions, please feel free to call me at 408-316-4460. Thank you.

Sincerely yours,

Bruce W. ("Rusty") Smith  
International Trustee

SEIU0006

Enclosure

**San Jose Office:** 2302 Zanker Road, San Jose, CA 95131-1115 • (408) 954-8715 • Fax (408) 954-1538  
**Redwood City Office:** 891 Marshall Street, Redwood City, CA 94063 • (650) 365-8715 • Fax (650) 365-7956  
**Stanford Office:** P.O.Box 19152, Stanford, CA 94309 • (650) 723-3680 • Fax (650) 723-3650

Affiliated SEIU 1972.



page 1



June 8, 2007

**TO WHOM IT MAY CONCERN:**

In accordance with the powers vested in me by the Constitution and Bylaws of the Service Employees International Union, CtW, CLC, I have appointed Bruce W. Smith as Trustee over the affairs of SEIU Local 715, effective immediately.

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The Trustee will be governed by the provisions of the Service Employees International Union Constitution and Bylaws and the provisions of applicable law.

Sincerely,

Andrew L. Stern  
International President



SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

1800 Massachusetts Ave NW  
Washington DC 20036

202.730 7000  
TDD: 202.730 7481

[www.SEIU.org](http://www.SEIU.org)

4944-900H

SEIU0007

June 14, 2007

*Via Facsimile and U.S. Mail*

Ron Dahlin, General Manager  
Cardinal Cogen  
288 Campus Drive, Bldg. 14-105  
Stanford, CA 94305-4109

Dear Mr. Dahlin:

On June 8, 2007, the International President of the Service Employees International Union ("SEIU"), CtW, CLC, Andrew L. Stern, acting pursuant to Article VIII, Section 7 of the International Union's Constitution and Bylaws and applicable federal law, took control of all operations of SEIU Local 715 ("Local 715"). A copy of the official Trusteeship Order is attached hereto.

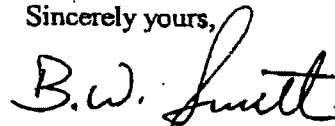
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If you have any questions, please feel free to call me at 408-316-4460. Thank you.

Sincerely yours,



Bruce W. ("Rusty") Smith  
International Trustee

Attachment

SEIU0008

9

June 14, 2007

*Via Facsimile and U.S. Mail*

Keith Smith, Manager Employee Relations  
Stanford University  
655 Serra Street  
Stanford, CA 94305

Dear Mr. Smith:

On June 8, 2007, the International President of the Service Employees International Union ("SEIU"), CIO, CLC, Andrew L. Stern, acting pursuant to Article VIII, Section 7 of the International Union's Constitution and Bylaws and applicable federal law, took control of all operations of SEIU Local 715 ("Local 715"). A copy of the official Trusteeship Order is attached hereto.

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If you have any questions, please feel free to call me at 408-316-4460. Thank you.

Sincerely yours,



Bruce W. ("Rusty") Smith  
International Trustee

Attachment

SEIU0009



SEIU - Home Page

Page 1 of 1

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## Contact Us

10

SEIU Local 715  
2302 Zanker Road  
San Jose, CA 95131  
(408) 954-8715

SEIU0010

Contact Us

Page 1 of 1

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Contact Us

SEIU Local 715  
2302 Zanker Road  
San Jose, CA 95131  
(408) 954-8715

**SEIU0011**

## SEIU Benefits for You and Your Family

SEIU Local 715

2302 Zanker Road

San Jose, CA 95131

(408) 954-8715

Because you are a member or retiree of SEIU, you have access to a variety of services and discounts through Union Plus. These benefits supplement what you may receive through your union-negotiated contract. With these SEIU-Union Plus benefits, you can save on life insurance, health savings, mortgages, legal services, and more.

Need assistance?  
Call **1-800-452-9425**.  
Or visit [www.unionplus.org](http://www.unionplus.org).

¿Tiene preguntas? Tenemos  
información en Español.

### Money and Credit

Credit Card with great value and service

Secured Credit Card for members who have poor credit or little or no credit history

Loans –personal loans, lines of credit, and home equity loans

Credit Counseling to help eliminate debt

Your Credit Score for a 15% discount

### Family Services

Find a Lawyer –Union Plus legal services for your Local

Immigration Legal Services including free initial consultations and discounts on hourly rates

Planning for College –resources on applying, paying, and more

Paying for College –resources include loans, financial aid, and savings plans

Pet Health –savings on veterinary services for all animals

### House and Home

Mortgage and Real Estate –low down payments and reduced closing costs

Home Heating Oil Discounts –save on service contracts and fuel oil purchases

Moving Van Discounts –Save on interstate moves, truck rentals, and storage

### Health and Well-Being

Health Savings reduces out-of-pocket expenses for prescriptions, vision, and other services

Health Club Discounts at more than 1,500 locations

### Insurance Protection

Life Insurance protection regardless of job or health conditions

Accident Insurance including insurance for accidental death in the workplace

Auto Insurance with

### Union Marketplace

Cingular Wireless Discounts on monthly service for union members

Auto Buying Service to help you find the right vehicle for the right price

Goodyear Discounts on tires

SEIU0012

## Benefits

Page 2 of 2

competitive rates, multi-vehicle discounts, and 24-hour service

Professional Liability Insurance for medical professionals

Pet Insurance --accident and illness insurance for your dog or cat

and service

Powell's Bookstore --a union-organized online bookstore

Union-Made Clothing --support good jobs at good pay with a discount

Union-Made Checks with your union's logo

### *SEIU Scholarships*

SEIU Scholarship Program

Jesse Jackson Scholarship

John Gegan Scholarship

Moe Foner Scholarship

Nora Pjore Scholarship

Union Plus Scholarship Program

### *Travel and Recreation*

Vacation Tours with a discount

Norwegian Cruise Line discounts

Car Rentals for up to 25% off

### *Computers*

Dell Computers for a 5-10% discount

### *Gift Shop*

Flowers --delivery service with a discount

SEIU0013

Our Local

Page 1 of 1

## Contact Us

SEIU Local 715  
2302 Zanker Road  
San Jose, CA 95131  
(408) 954-8715

## About SEIU

The Service Employees International Union is 1.8 million working people and 50,000 retirees united to improve services and our communities throughout North America.

SEIU members are winning better wages, health care, and more secure jobs at home, while uniting their strength with their counterparts around the world to help ensure that workers, not just corporations and CEOs, benefit from today's global economy.

SEIU is the fastest-growing union in North America. Focused on uniting workers in three sectors to improve their lives and the services they provide, SEIU is:

- ▶▶The largest health care union, with 900,000 members in the field, including nurses, LPNs, doctors, lab technicians, nursing home workers, home care workers
- ▶▶The largest property services union, with 225,000 members in the building cleaning and security industries, including janitors, door men and women
- ▶▶The second largest public services union, with 850,000 local and state government workers, public school employees, bus drivers, and child care providers

(Total is current as of 09-27-05, and exceeds 1.8 million due to overlaps in public/health care.)



SEIU0014

Action Center

Page 1 of 1

  
A small, dark, rectangular graphic element.

### What is COPE?

COPE is our union's voluntary bi-partisan Political Action Committee used for political and legislative activities. We hold politicians accountable at every level of government.

[Read more](#)

### What Is Change to Win?

The Change to Win Federation is made up of SEIU and six other national unions representing more than 5 million workers.

[Read more](#)

SEIU0015

Around SEIU

Page 1 of 1

  
Modern Healthcare magazine released its "100 Most Powerful People in Healthcare" list, ranking SEIU President Andy Stern and SEIU Healthcare Chair Dennis Rivera number 5 and 6, respectively. This recognition comes during a year of landmark healthcare leadership, initiatives, and policy work for SEIU, including the formation in June of SEIU Healthcare, a new one million member "union within a union."

### **SEIU's Stern, Rivera Named Two of Top Six Most Powerful in Healthcare**

Modern Healthcare magazine released its "100 Most Powerful People in Healthcare" list, ranking SEIU President Andy Stern and SEIU Healthcare Chair Dennis Rivera number 5 and 6, respectively. This recognition comes during a year of landmark healthcare leadership, initiatives, and policy work for SEIU, including the formation in June of SEIU Healthcare, a new one million member "union within a union."

[Read more](#)

### **What Is Change to Win?**

The Change to Win Federation is made up of SEIU and six other national unions representing more than 5 million workers.

[Read more](#)

SEIU0016



## California Budget: the Year of Reckoning



### The Latest on the Budget Campaign: May Revise a Missed Opportunity

On May 14, the Governor unveiled his revised budget and proposed deeper cuts, a power grab, and more borrowing, not real solutions. In other words, he missed an opportunity to fix our chronic budget problems. Now, legislators must take responsibility. Read [SEIU's reaction](#) to the proposed budget and our latest [update and analysis](#) of the cuts.

[Read More](#)

## June Primary Election Results

### Election Update: SEIU Wins Major Victories, Defeating Prop. 98 and Helping Scores of Working-Family-Friendly Candidates Advance

In the June primary election, SEIU helped defeat the dangerous and deceptive Prop. 98, which would have gutted rent control and environmental laws and made it nearly impossible to build public works, by a 61% (No) - 39% (Yes) margin. We also helped pass real homeowner protection, Prop. 99, in a 62.5% (Yes) - 37.5% (No) vote.

For the California Assembly races - in a remarkable sweep - in every district where we endorsed a candidate, we won, and a 2/3 majority of SEIU-backed candidates won their Senate seats as well. In Congress, we helped Mike Lumpkin (D, CD 52) win his primary in the only district without an incumbent running. And in a closely watched, key local race, SEIU and labor allies helped lift longtime champion of working people Senator Mark Ridley-Thomas above the crowd in his L.A. County Supervisor bid, positioning him well for a November run-off.

[Click here](#) for a complete list of SEIU endorsements and results.

## Progress on Healthcare: A Three-Year Plan

### Healthcare Reform Bills Make Progress

While our primary healthcare goal this year must be to stop the devastating budget cuts that would add a million Californians to the rolls of the uninsured, SEIU continues to push for components of the healthcare reform package we fought for in 2007. Working with our allies from last year's "It's OUR Healthcare!" campaign, we continue to lay the groundwork for comprehensive reform by tackling a range of

#### State Budget News Clips

California's budget is a thing of shreds of patches

Lottery plan off target

Aid for California's disabled in peril

Governor's lottery plan could hurt school funding, analyst says

Senator says California prisons upgrade cost 'borders on the incredible'

Who Pays Taxes in California

#### Press Releases

SEIU California State Council Announces Selection of New Executive Director

Assembly Budget Moves Debate in the Right Direction

SEIU Says Governor's Budget Will Hurt California

SEIU, Health Care Groups Win Promise to Amend Flawed Health Care Bill

Parents, providers blast Gov.'s veto on child care reform

## Members Are Speaking Out!



"As a children's social worker, our primary responsibility is to protect children and make sure they have safe, permanent homes. Our

SEIU0017

critical healthcare issues. Some of the key reform components have made legislative progress in recent weeks, including:

- Giving consumers more information about healthcare costs and quality, so that consumers have real choices and can shape the healthcare market by avoiding costly and ineffective care AB2967 (Lieber)
- Prohibiting junk insurance and standardizing the insurance market SB1522 (Steinberg)

Read the latest update as these bills continue to make progress through the legislature from ally [Health Access](#).

Link to this update:

<http://www.health-access.org/labels/YearOfReform.htm>

systemfunctions as the children's parents while we help their parentsrecover, or find a family member or foster parents. We're fighting for the children and families we serve. The children aren't voters. They have no voice. They're the most vulnerable membersof our society. That's why I became a social worker, and that's why I'm fighting the budget cuts." SEIU Local 721 David Green - Adoption Social Worker, County of Los Angeles

» Read more

SEIU0018

SERVICE EMPLOYEES INTERNATIONAL UNION, CIO

*Stronger Together*

**Men's Wear**

**Women's Wear**

**Children's Wear**

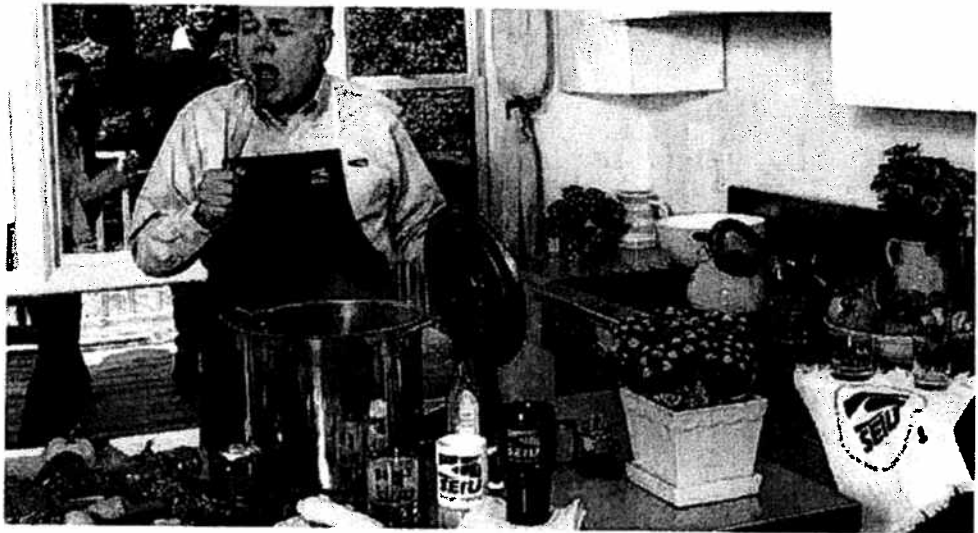
**Generation S Wear**

**Bags & Briefcases**

**Toys & Games**

**Misc. Merchandise**

**SEIU for Obama Items**



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SEIU0019

AUG-15-2006 10:33

FROM-LOCAL 250 SAN FRANCISCO

415-563-8814

T-060 P.001/004 F-155



# LOCAL 715

www.seiu715.org

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO/CLC

TO: Laurie Quintel

FR: Greg P. 

SEIU servicing  
agreement.

4 pages

Any questions, please  
call (415) 740-4461



16

AUG-15-2006 10:33

FROM-LOCAL 250 SAN FRANCISCO

415-563-8814

T-060 P.002/004 F-156

## SERVICING AGREEMENT

This **SERVICING AGREEMENT** is entered into between Local 715 ("Local 715") and SEIU UHW ("UHW").

WHEREAS, Local 715 and UHW recognize that the core jurisdiction represented by Local 715 includes public sector employees and that the core jurisdiction of UHW includes health care employees; and

WHEREAS, Local 715 and UHW recognize that the professional services provided by each organization are most highly developed in regard to their core jurisdictions; and

WHEREAS, Local 715 is the sole and exclusive collective bargaining representative for a unit of employees at the Stanford Hospital facility ("Stanford facility"); and

WHEREAS, Local 715 wishes to obtain for its members at the Stanford facility the professional services available through UHW, and UHW is willing to make its professional services available to Local 715's members at the Stanford facility; now,

THEFORE, it is AGREED as FOLLOWS:

1. Effective Date

The terms of this Servicing Agreement shall become effective on March 1, 2006.

2. Cost of Services

For a period running concurrently with the existing collective bargaining agreement between Local 715 and the Stanford facility, UHW shall provide the professional services outlined herein at no cost to Local 715. Thereafter, if this Agreement is extended, Local 715 shall reimburse UHW for the costs of the services outlined herein from the dues and agency fees collected by UHW for each Local 715 member affected by this Agreement.

3. Duration of Agreement

This Servicing Agreement shall be effective on March 1, 2006 and shall remain in full force and effect until the end of the current collective bargaining agreement between Local 715 and the Stanford facility. The duration of this Servicing Agreement may be mutually extended by the parties. Additionally, this Agreement can be altered, amended, or rescinded by the mutual agreement of the parties. Either party may unilaterally terminate this Agreement by giving three months notice to the other party.

{w-1200000101106000478.DOC}

SEIU0021

RECEIVED AUG-14-06 13:48

FROM-

TO-SEIU UHW SF

PAGE 002

AUG-15-2006 10:34

FROM-LOCAL 250 SAN FRANCISCO

415-563-8814

T-060 P.003/004 F-155

#### 4. Services Provided By UHW

For the duration of this Servicing Agreement, UHW's staff, acting as designated agents of Local 715, shall provide the following professional services to Local 715 for its members at the Stanford facility:

Representation in the grievance procedure and at arbitration hearings

Representation at labor-management meetings

Assistance to members appearing before the National Labor Relations Board on behalf of the Local 715 Chapter at the Stanford facility.

#### 5. Oversight By Local 715

The UHW staff member assigned to the day-to-day servicing of the Stanford facility unit will meet on a regular basis with an officer of Local 715 to review the status of representation matters within the unit. In addition, UHW will provide Local 715 with advance notice of all membership meetings and site visits and clear all correspondence with Local 715. The parties acknowledge that Local 715 has the ultimate responsibility for collective bargaining matters on behalf of the Stanford facility unit.

#### 6. Services Provided By Local 715

For the duration of this Agreement, Local 715 shall continue to administer the collection of membership dues, and shall have access to, and may assist with, all membership meetings, and shall have access to all records associated with the bargaining unit.

#### 7. Designation of Agency Status

Local 715 shall notify the Employer in writing of its designation of the appropriate employees of UHW to serve as the agents of Local 715 in providing services to Local 715's membership at the Stanford facility.

Should the Employer challenge or refuse to accept the legitimacy of this Servicing Agreement, the parties will cooperate in processing the legal actions necessary to its enforcement. (This may include filing an unfair labor practice charge under the name of Local 715). UHW will provide professional assistance in this process. During the pendency of this process, Local 715 will continue to provide representation and the administration of all aspects of the collective bargaining agreement through its own staff until such matter is resolved.

#### 8. Chapter Structure and Members' Rights

a) Following the implementation of this Servicing Agreement, Local 715's unit at the Stanford facility shall maintain the same officers and other employee-representatives, under the same internal Chapter structure that existed prior to implementation of this Agreement;

{W:\2000\08\10\106000478.DOC}2

SEIU0022

RECEIVED AUG-14-06 13:48

FROM-

TO-SEIU UHW SF

PAGE 003

AUG-15-2006 10:34

FROM-LOCAL 250 SAN FRANCISCO

415-563-8814

T-060 P.004/004 F-155

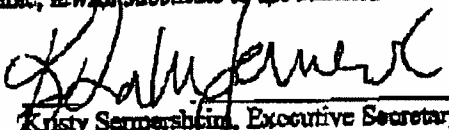
h) Following implementation of this Servicing Agreement, Local 715 members at the Stanford facility will continue to be full members of Local 715, with the right to vote in Local 715 elections and otherwise participate in Local 715's affairs. Employees in the bargaining unit will be offered Associate Member status with UHW but shall keep whatever membership rights are accorded them under the Local 715 by-laws and the Service Employees International Union constitution;

c) Nothing herein shall prohibit UHW from permitting Local 715's Chapter leaders or members from the Stanford facility to participate in UHW educational functions, or appearing as guests at other UHW functions.

## 9. Severability

The parties hereto believe that all provisions of this Servicing Agreement comply with applicable law. However, should any provision of this Agreement be found illegal by any tribunal of competent jurisdiction, this shall not affect the remainder of the Agreement. Rather, the parties shall promptly meet to negotiate an acceptable, lawful substitute to the stricken provisions.

  
 Sal Roselli, President, UHW

  
 Kristy Semershteyn, Executive Secretary,  
 Local 715

\_\_\_\_\_  
 Date

2/20/2006  
 \_\_\_\_\_  
 Date

{W:\2000-00\07\06\000478.DOC}3

SEIU0023

RECEIVED AUG-14-06 19:40

FROM-

TO-SEIU UHW SF

PAGE 004



08/17/2008 10:57 FAX 408 954 1538

LOCAL 715

002/005

STEWART WEINBERG  
DAVID A. ROSENFIELD  
WILLIAM A. SOKOL  
VINCENT A. HUBBARD, JR.  
W. CHASE BOONE  
BRYAN MICHELSON  
BARRY E. HENSEL  
JAMES BUTTANINO  
SANDRA RAE KERRON  
CHRISTIAN L. KASNER  
JAMES J. WEBBER  
THEODORE FRANKLIN  
ANTONIO RUIZ  
MATTHEW J. GALLER  
ASHLEY K. KIDA  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN B. CROCHLEY  
J. FELIX DE LA TORRE  
KRISTINA L. POLLMAN  
ANDREA LIMACONA  
EMILY P. KICH

**WEINBERG, ROGER & ROSENFELD**  
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1001 Marina Village Parkway, Suite 200  
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BROOKE D. FRIEDMAN  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CARIN P. TENCER  
LAVELLE S. WOODCOO  
MANABU CHANLA

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERONA, Of Counsel  
JOHN PLOTZ, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada

August 11, 2006

Larry Arnold  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: SEIU United Healthcare Workers-West and SEIU Local 715  
Stanford Medical Center

Dear Mr. Arnold:

Enclosed please find a copy of the Servicing Agreement with respect to the Stanford Medical Center Bargaining Unit, between Local 715 and UHW.

I am sending this to you at your request, so there will be no further confusion concerning this matter, and so that henceforth, the Employer will understand and recognize the fact that SEIU Local 715 is the bargaining representative, but is being aided by UHW.

Lest it is not apparent from the document, it is modeled directly and completely on servicing agreements approved by the NLRB.

I trust this will resolve this henceforth.

Sincerely,

*William A. Sokol*  
William A. Sokol

WAS/rfb  
opeiu 3 afl-cio(1)

Enclosure

cc: Greg Pullman  
Kristy Sermersheim  
John Borsos  
Sal Rosselli

1/430729

SEIU0024

PASADENA OFFICE  
301 North Lake Avenue, Suite 310  
Pasadena, CA 91101-5122  
TEL 626.795.8232 FAX 626.795.8888

SACRAMENTO OFFICE  
428 J Street, Suite 520  
Sacramento, CA 95814-0341  
TEL 916.443.8600 FAX 916.442.0244

HONOLULU OFFICE  
1088 Alakea Street, Suite 1802  
Honolulu, HI 96813-4500  
TEL 808.628.8880 FAX 808.628.8881



## **SERVICING AGREEMENT**

This **SERVICING AGREEMENT** is entered into between Local 715 ("Local 715") and SEIU UHW ("UHW").

WHEREAS, Local 715 and UHW recognize that the core jurisdiction represented by Local 715 includes public sector employees and that the core jurisdiction of UHW includes health care employees; and

WHEREAS, Local 715 and UHW recognize that the professional services provided by each organization are most highly developed in regard to their core jurisdictions; and

WHEREAS, Local 715 is the sole and exclusive collective bargaining representative for a unit of employees at the Stanford Hospital facility ("Stanford facility"); and

WHEREAS, Local 715 wishes to obtain for its members at the Stanford facility the professional services available through UHW, and UHW is willing to make its professional services available to Local 715's members at the Stanford facility; now,

THEREFORE, it is **AGREED** as **FOLLOWS**:

1. **Effective Date**

The terms of this Servicing Agreement shall become effective on March 1, 2006.

2. **Cost of Services**

For a period running concurrently with the existing collective bargaining agreement between Local 715 and the Stanford facility, UHW shall provide the professional services outlined herein at no cost to Local 715. Thereafter, if this Agreement is extended, Local 715 shall reimburse UHW for the costs of the services outlined herein from the dues and agency fees collected by UHW for each Local 715 member affected by this Agreement.

3. **Duration of Agreement**

This Servicing Agreement shall be effective on March 1, 2006 and shall remain in full force and effect until the end of the current collective bargaining agreement between Local 715 and the Stanford facility. The duration of this Servicing Agreement may be mutually extended by the parties. Additionally, this Agreement can be altered, amended, or rescinded by the mutual agreement of the parties. Either party may unilaterally terminate this Agreement by giving three months notice to the other party.

4. **Services Provided By UHW**

For the duration of this Servicing Agreement, UHW's staff, acting as designated agents of Local 715, shall provide the following professional services to Local 715 for its members at the Stanford facility:

Representation in the grievance procedure and at arbitration hearings

Representation at labor-management meetings

Assistance to members appearing before the National Labor Relations Board on behalf of the Local 715 Chapter at the Stanford facility.

5. **Oversight By Local 715**

The UHW staff member assigned to the day-to-day servicing of the Stanford facility unit will meet on a regular basis with an officer of Local 715 to review the status of representation matters within the unit. In addition, UHW will provide Local 715 with advance notice of all membership meetings and site visits and clear all correspondence with Local 715. The parties acknowledge that Local 715 has the ultimate responsibility for collective bargaining matters on behalf of the Stanford facility unit.

6. **Services Provided By Local 715**

For the duration of this Agreement, Local 715 shall continue to administer the collection of membership dues, and shall have access to, and may assist with, all membership meetings, and shall have access to all records associated with the bargaining unit.

7. **Designation of Agency Status**

Local 715 shall notify the Employer in writing of its designation of the appropriate employees of UHW to serve as the agents of Local 715 in providing services to Local 715's membership at the Stanford facility.

Should the Employer challenge or refuse to accept the legitimacy of this Servicing Agreement, the parties will cooperate in processing the legal actions necessary to its enforcement. (This may include filing an unfair labor practice charge under the name of Local 715). UHW will provide professional assistance in this process. During the pendency of this process, Local 715 will continue to provide representation and the administration of all aspects of the collective bargaining agreement through its own staff until such matter is resolved.

8. **Chapter Structure and Members' Rights**

a) Following the implementation of this Servicing Agreement, Local 715's unit at the Stanford facility shall maintain the same officers and other employee-representatives, under the same internal Chapter structure that existed prior to implementation of this Agreement;

b) Following implementation of this Servicing Agreement, Local 715 members at the Stanford facility will continue to be full members of Local 715, with the right to vote in Local 715 elections and otherwise participate in Local 715's affairs. Employees in the bargaining unit will be offered Associate Member status with UHW but shall keep whatever membership rights are accorded them under the Local 715 by-laws and the Service Employees International Union constitution;

c) Nothing herein shall prohibit UHW from permitting Local 715's Chapter leaders or members from the Stanford facility to participate in UHW educational functions, or appearing as guests at other UHW functions.

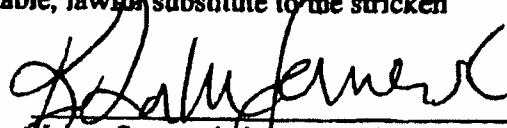
9. Severability

The parties hereto believe that all provisions of this Servicing Agreement comply with applicable law. However, should any position of this Agreement be found illegal by any tribunal of competent jurisdiction, this shall not affect the remainder of the Agreement. Rather, the parties shall promptly meet to negotiate an acceptable, lawful substitute to the stricken provisions.

  
\_\_\_\_\_  
Sal Roselli, President, UHW

Date

2/18/06

  
\_\_\_\_\_  
Kristy Sermersheim, Executive Secretary,  
Local 715

Date

2/20/2006

08/21/2006 14:22 FAX 408 954 1538

LOCAL 715

003

STEFAN W. WEINBERG  
 WILLIAM A. ROSENFIELD  
 VINCENT A. HARRINGTON, JR.  
 W. DANIEL BOONE  
 BLYTHE HICKELSON  
 HARRY E. HANDE  
 JAMES H. HARRISON  
 CHRISTIAN L. HARRISON  
 JAMES J. WESSER  
 THEODORE FRANKLIN  
 ANTONIO RUIZ  
 MATTHEW J. GAUBER  
 ASHLEY K. HEDDA  
 LINDA SALADIN JONES  
 PATRICIA A. CHAVE  
 ALAN B. CROWLEY  
 J. FELIX DE LA TORRE  
 KRISTINA L. KELLMAN  
 ANDREA LALONDA  
 EMILY P. RICH

**WEINBERG, ROGER & ROSENFELD**  
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 CONCEPCION E. LOZANO-BATISTA  
 CARMEN F. BECKER  
 LYNELLE B. MORRIS  
 MANJARI CHAWLA

PATRICIA M. BATES, Of Counsel  
 ROBERTA D. PERDUE, Of Counsel  
 JOHN M. FLOTZ, Of Counsel

\* Also admitted in Arizona  
 \*\* Admitted in Hawaii  
 \*\*\* Also admitted in Nevada

August 17, 2006

Larry Arnold  
 Foley & Lardner  
 One Maritime Plaza, Sixth Floor  
 San Francisco, CA 94111-3404

Re: Servicing Agreement

Dear Mr. Arnold:

Per your request, enclosed please find the Servicing Agreement between Local 715 and UHW. For your information, it is modeled on the servicing agreement which has expressly been upheld as lawful by the NLRB, see Suburban Pavilion.

I trust this will calm any insecurities you and/or your client may have concerning this matter and that henceforth you will recognize that UHW is servicing Local 715, which continues to be the exclusive bargaining representative of the bargaining unit at the Stanford Medical Facilities.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

*William A. Sokol for*  
 William A. Sokol

WAS/jys  
 opeiu 3 afl-cio(1)

Enclosure

1/431225

SEIU0028

PASADENA OFFICE  
 301 North Lake Avenue, Suite 310  
 Pasadena, CA 91101-5122  
 TEL 626.796.8232 FAX 626.796.8686

SACRAMENTO OFFICE  
 428 J Street, Suite 520  
 Sacramento, CA 95814-2341  
 TEL 916.443.8800 FAX 916.442.0244

HONOLULU OFFICE  
 1099 Alakea Street, Suite 1802  
 Honolulu, HI 96813-4500  
 TEL 808.526.8880 FAX 808.528.8881

U.S. Department of Labor  
Office of Labor-Management  
Standards  
Washington, DC 20210

# FORM LM-15 TRUSTEESHIP REPORT

Form approved  
Office of Management  
and Budget  
No. 1215-0188  
Expires 11-30-2009

For Official Use  
Only

This report is mandatory under P.L. 86-257 as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 461.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1. File Number of Labor Organization Held in Trusteeship  513-588	2. Type of Report Initial (complete pages 1 through 4.) <input checked="" type="checkbox"/> Semiannual for period ending (Complete pages 1 and 2 only.) 12 / 8 / 2007	3. Date Trusteeship Established  6 / 8 / 2007
4. Labor Organization Held in Trusteeship Affiliation or Organization Name Service Employees International Union Designation LU - Local Union P.O. Box, Bldg. and Room No., if any Designation Number 715 Number and Street 2302 Zanker Road City San Jose Unit Name (if any) State California ZIP Code + 4 95134		
5. Labor Organization Imposing the Trusteeship Name Service Employees International Union File Number 000-137 P.O. Box, Building and Room Number, if any Number and Street 1800 Massachusetts Avenue, NW City Washington State District of Columbia ZIP Code + 4 20036		
6. List the article(s) and section(s) of the constitution which specifically authorize imposition of the trusteeship: Article VIII, Sections 7(a) and 7(f).		

## Signatures

Each of the undersigned, duly authorized officials of the labor organization imposing the trusteeship over the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See the section on penalties in the instructions.)

24. Signed <u>Andrew A. Stein</u> Other (Specify) International President On <u>5/20/08</u> (202) 730-7000 Date Telephone Number	President (if other title, see instructions.)	26. Signed <u>B.W. Smith</u> Trustee On <u>05/19/08</u> (408) 954-1538 Date Telephone Number	Trustee (if other title, see instructions.)
25. Signed _____ Other (Specify) International Secretary-Treasurer On <u>5/20/08</u> (202) 730-7000 Date Telephone Number	Treasurer (if other title, see instructions.)	27. Signed _____ Trustee On _____ Date Telephone Number	Trustee (if other title, see instructions.)

Name of Labor Organization Held in Trusteeship Service Employees International Union	File Number 513-588
---	------------------------

## 7. Check the reason(s) for establishing or continuing the trusteeship:

- a. To correct corruption or financial malpractice.
- ☒ b. To assure the performance of collective bargaining agreements or other duties of a bargaining representative.
- c. To restore democratic procedures.
- d. Other.

## 8. Provide a detailed statement which explains each reason checked in Item 7, above.

As the result of changes in the jurisdiction of SEIU local unions in California, Local 715 is in the process of reorganizing the majority of its members into other SEIU local unions. The shift of a large majority of Local 715 members, and resources associated with those members, to other SEIU unions is making it difficult for Local 715 to carry out its remaining collective bargaining responsibilities and to defend its status as collective bargaining agent. The significant decline in Local 715's membership and resources has impaired Local 715's ability to operate as contemplated by the Local 715 Constitution and Bylaws. The process of reorganizing the remaining Local 715 members into their new SEIU local unions is still underway.

## 9. During the period covered by this report

- a. Did a convention or other policy-determining body meet to which the trustee labor organization sent delegates or would have sent delegates if not in trusteeship?

Yes ☒ No

(If the answer is "Yes," complete and file Form LM-15A.)

- b. Did the labor organization imposing the trusteeship hold an election of officers?

Yes ☒ No

(If the answer is "Yes," complete and file Form LM-15A.)

07/24/07 15:18 FAX 202 693 1345

002

530

U.S. Department of Labor  
Office of Labor-Management  
Standards  
Washington, DC 20210

# FORM LM-15 TRUSTEESHIP REPORT

Form approved  
Office of Management  
and Budget  
No. 1215-0188  
Expires 11-30-2009

For Official Use



This report is mandatory under P.L. 88-257 as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 481.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1. File Number of Labor Organization Held in Trusteeship  513-588	2. Type of Report <input checked="" type="checkbox"/> Initial (complete pages 1 through 4.) Semiannual for period ending (Complete pages 1 and 2 only.)	3. Date Trusteeship Established  6 / 8 / 2007
4. Labor Organization Held in Trusteeship  Affiliation or Organization Name Service Employees International Union  Designation LU - Local Union  Designation Number 715  Unit Name (if any)		
P.O. Box, Bldg. and Room No., if any  Number and Street 2302 Sanker Road  City San Jose  State California  ZIP Code +4 95134		
5. Labor Organization Imposing the Trusteeship  Name Service Employees International Union  File Number 000-137.  P.O. Box, Building and Room Number, if any  Number and Street 1800 Massachusetts Avenue, NW  City Washington  State District of Columbia  ZIP Code +4 20036		
6. List the article(s) and section(s) of the constitution which specifically authorize imposition of the trusteeship:  Article VIII, Sections 7(a) and 7(f).		

## Signatures

Each of the undersigned, duly authorized officials of the labor organization imposing the trusteeship over the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See the section on penalties in the instructions.)

24. Signed <u>Andrew J. Stein</u> Other (Specify) International President On <u>7/9/07</u> (202) 730-7000 Date Telephone Number	25. Signed <u>B.W. (Rusty) Smith</u> Trustee On <u>07/06/07</u> (408) 954-1538 Date Telephone Number
26. Signed <u>Anna Burger</u> Other (Specify) International Secretary-Treasurer On <u>7/9/07</u> (202) 730-7000 Date Telephone Number	27. Signed _____ Trustee On _____ Date Telephone Number

Form LM-15 (2003)

Page 1 of 4

SEIU0031

58

07/24/07 15:18 FAX 202 693 1345

003

Name of Labor Organization Held in Trusteeship  
Service Employees International Union

File Number

513-566

## 7. Check the reason(s) for establishing or continuing the trusteeship:

- a. To correct corruption or financial malpractice.
- ☒ b. To assure the performance of collective bargaining agreements or other duties of a bargaining representative.
- c. To restore democratic procedures.
- d. Other.

## 8. Provide a detailed statement which explains each reason checked in item 7, above.

As the result of changes in the jurisdiction of SEIU local unions in California, Local 715 is in the process of reorganizing the majority of its members into other SEIU local unions. The shift of a large majority of Local 715 members, and resources associated with those members, to other SEIU unions is making it difficult for Local 715 to carry out its remaining collective bargaining responsibilities and to defend its status as collective bargaining agent. The significant decline in Local 715's membership and resources has impaired Local 715's ability to operate as contemplated by the Local 715 Constitution and Bylaws.

## 9. During the period covered by this report

- a. Did a convention or other policy-determining body meet to which the trustee labor organization sent delegates or would have sent delegates if not in trusteeship?

Yes ☒ No

(If the answer is "Yes," complete and file Form LM-15A.)

- b. Did the labor organization imposing the trusteeship hold an election of officers?

Yes ☒ No

(If the answer is "Yes," complete and file Form LM-15A.)



07/24/07 15:19 FAX 202 693 1345

004

Name of Labor Organization Held in Trusteeship - Service Employees International Union	File Number 513-588
---	------------------------

Statement of Assets and Liabilities (Complete for Initial Report Only)					
Assets as of Date Trusteeship Imposed			Liabilities as of Date Trusteeship Imposed		
Item	From Sch. #	Amount	Item	From Sch. #	Amount
10. Cash		3,845,823	18. Accounts Payable		299,863
11. Accounts Receivable		5,863	19. Loans Payable	6	0
12. Loans Receivable	1	0	20. Mortgages Payable		0
13. U.S. Treasury Securities			21. Other Liabilities	4	1,127,259
14. Investments	2	0	22. TOTAL LIABILITIES		1,427,122
15. Fixed Assets	5	526,075	23. NET ASSETS (Item 17 less Item 22)		
16. Other Assets	3	281,217			
17. TOTAL ASSETS		4,658,980			
					3,231,858

Schedule 1 - Loans Receivable (See instructions for item 12)		
(A) Name of officer, employee, member, or business enterprise	(B) Purpose of loan, security, if any, and terms for repayment	(C) Amount
1. 0		0
2. 0		0
3. 0		0
4. Total from additional pages (if any)		0
5. Total of loans not listed above		0
6. Total of Lines 1 through 5		0

Schedule 2 - Investments (See instructions for item 14)		Schedule 3 - Other Assets (See instructions for item 16)	
(A) Description	(B) Amount	(A) Description	(B) Book Value
Marketable Securities:		1. Prepaid Expenses	16,286
1. Total Cost	0	2. Deposit	33,540
2. Total Book Value		3. Due to/from 521 others	231,392
3. List each marketable security that has a book value over \$1,000 and exceeds 20% of Line 2.		4.	0
(a)		5.	
(b)		6.	
(c) Total from additional pages (if any)	0	7. Total from additional pages (if any)	0
Other Investments:		8. Total of Lines 1 through 7	281,217
4. Total Cost	0	Schedule 4 - Other Liabilities (See instructions for item 21)	
5. Total Book Value	0		
6. List each other investment which has a book value over \$1,000 and exceeds 20% of Line 5. Also list each subsidiary or trust which is an investment.		(A) Description	(B) Amount
(a)		1. Capital Lease	17,582
(b)	0	2. IRSS Payable	188,167
(c) Total from additional pages (if any)	0	3. Security Deposit	2,500
7. Total of Lines 2 and 3	0	4. Other Payable	264,647
		5. Accrued Vacation	654,363
		6.	0
		7. Total from additional pages (if any)	0
		8. Total of Lines 1 through 7	1,127,259

Name of Labor Organization Held in Trusteeship  
**Service Employees International Union**

File Number

513-588

**Schedule 5 - Fixed Assets (See instructions for item 15)**

(A) Description	(B) Cost or Other Basis	(C) Total Depreciation or Amount Expensed	(D) Book Value	(E) Fair Market Value
1. Land (give location)	0			
2. Total from additional pages (if any)	0		0	0
3. Buildings (give location)	0			
4. Total from additional pages (if any)	0	0	0	0
5. Automobiles and Other Vehicles	0			
6. Office Furniture and Equipment	1,004,263	478,188	526,075	
7. Other Fixed Assets				
8. Total of Lines 1 through 7	1,004,263	478,188	526,075	0

**Schedule 6 - Loans Payable (See instructions for item 19)**

(A) Source	(B) Amount
1.	0
2.	0
3.	0
4.	0
5. Total from additional pages (if any)	0
6. Total of Lines 1 through 5	0

**EXHIBIT L**

**Inciardi, Scott P.**

---

**From:** Bruce Harland [bharland@unioncounsel.net]  
**Sent:** Monday, June 16, 2008 8:04 AM  
**To:** Ridley, Eileen R.  
**Cc:** Inciardi, Scott P.  
**Subject:** Local 715 v. Stanford Hospital

Eileen and Scott: Would you be so kind as to grant me a one-week extension with respect to the requests for productions so that the Union's responses are due by Monday, June 23, 2008? Please let me know.

Bruce Harland

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Monday, June 16, 2008 9:46 AM  
**To:** 'bharland@unioncounsel.net'  
**Cc:** Inciardi, Scott P.  
**Subject:** Re: Local 715 v. Stanford Hospital

Yes, we'll agree to the extension to June 23, 2008 and will look forward to receipt of the docs on that date. Thx

----- Original Message -----

From: Bruce Harland <bharland@unioncounsel.net>  
To: Ridley, Eileen R.  
Cc: Inciardi, Scott P.  
Sent: Mon Jun 16 08:04:20 2008  
Subject: Local 715 v. Stanford Hospital

Eileen and Scott: Would you be so kind as to grant me a one-week extension with respect to the requests for productions so that the Union's responses are due by Monday, June 23, 2008? Please let me know.

Bruce Harland

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

**FOLEY**

**FOLEY & LARDNER LLP**

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Mr. Harland:

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*Eileen*

 INFO

7/2/2008

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Friday, June 27, 2008 4:59 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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*Eileen*

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**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

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7/2/2008



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**Sent:** Monday, June 30, 2008 7:41 AM  
**To:** Ridley, Eileen R.  
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**Subject:** RE: SEIU v. Stanford Cases

Eileen,

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Bruce

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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

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**ATTORNEYS AT LAW**

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415.434.4507 FAX  
foley.com

July 1, 2008

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094 and  
3097

**VIA E-MAIL AND U.S. MAIL**

Bruce A. Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: *SEIU, Local 715 v. Stanford Hospital & Clinics, et al.*  
U.S. Dist. Court Northern Dist. of California Case Nos. C-07-  
cv-5158, 5:08-cv-00213, 5:08-cv-00215, 5:08-cv-002216,  
5:08-cv-01727 and 5:08-cv-01726

Dear Mr. Harland:

We write regarding the above-referenced actions and the recently received responses by Local 715 to the Requests For Production of Document (Set No. 1) served by my clients, Stanford Hospital & Clinics and Lucile Packard Children's Hospital (the "Hospitals"). Briefly, despite receiving an extension within which to respond and produce documents to the Hospital's requests, Local 715's responses are inadequate and its production of responsive documents is woefully incomplete. We are writing in order to meet and confer with you, per Local Rule 37-1, to resolve these issues short of having to present the matter to the Court.

Preliminarily, although your client's responses to the document requests are dated June 23, 2008, they do not include a verification. Further, each one of the responses includes an objection based upon the work product and attorney client privileges. However, as I previously noted to you, we have not received a privilege log related to any documents withheld based upon these objections. Please provide such a log immediately. Having stated these preliminary issues, we now turn to each specific response provided by your client.

Your client's responses can be generally separated into three general groups.

First, your client has merely stated its boilerplate objections to the following requests 1, 2, 3, 5, 8, 9, 10, 15, 16, 19, 20, 21, 23, 24, 27, 28, 31, 34, 37, 40, 42, 45, 48, 49, 50, 51, 52, 53, 56.

Second, your client has provided boilerplate objections and a statement that there are no responsive documents to the following requests: 4, 6, 7, 13, 14, 17, 22, 25, 26, 29, 30, 32, 33, 35, 36, 38, 39, 41, 44, 46, 47, 54, 55, and 57.

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BRUSSELS  
CENTURY CITY  
CHICAGO  
DETROIT

JACKSONVILLE  
LOS ANGELES  
MADISON  
MIAMI  
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NEW YORK  
ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR

SAN FRANCISCO  
SHANGHAI  
SILICON VALLEY  
TALLAHASSEE  
TAMPA

TOKYO  
WASHINGTON, D.C.



Bruce A. Harland  
July 1, 2008  
Page 2

Finally, your client has provided the same boilerplate objections to the following requests but have produced a minimum of documents (equaling a total of thirty-four (34) pages): 11 (SEIU0001-0009; SEIU0029-0034), 12 (SEIU0010-0019), 18 (SEIU0020-0027), and 43 (SEIU0020-0027).

### **Responses Stating Only Objections**

As noted above, your client has merely stated a boilerplate of objections to a number of requests without stating whether your client has any responsive documents or whether any documents are being withheld based upon some privilege. This is inappropriate and does not accurately reflect materials known to be held by your clients. As you recall, during the Case Management Conference before Judge Fogel, the Court specifically agreed that discovery could be conducted regarding the existence of Local 715, the representation of Local 715 and the use of Local 715's resources. Each of the requests served by Hospitals are crafted to address these three discrete issues and therefore do not "exceed the scope of discovery" as stated in your objections. Further, the information is not prohibited from disclosure by any privilege or "the National Labor Relations Act, the First Amendment of the United States Constitution, [or] on public policy grounds" as stated in your objections. In fact, much of the requests relate to materials which have either been posted on your client's website at some time or are required to be available to the public. As an example, our requests regarding payroll information and pay and expense reimbursements to all employees, officers, directors, etc. deal with information which every labor organization must report on their annual LM-2 Forms. Moreover, such information has in the past been referenced by websites maintained by both Local 521. The remainder of your client's stock objections are equally unfounded – e.g., the requests are not vague, ambiguous or burdensome. Thus, your client's objections are inappropriate.

Specifically, Requests Nos. 1-3 all inquire regarding the representative capacity of Local 715 from June 30, 2005 to the present. This is a central issue in this litigation and has been the subject of a number of letters. To merely object to this request and fail to produce any documentation is improper.

Requests Nos. 5 and 8 request documents and correspondence regarding the status of Local 715. As you well know, Local 715 was placed under a trusteeship per requests from Local 715 and there is correspondence and documentation regarding this fact including communications from SEIU International. Again, to merely object to this request without providing any production is not only inaccurate, it fails to candidly reply to the request as required under the law.

Similarly, Requests Nos. 9, 10, 23, 24, 27, 40, 42 and 56 seek materials related to the handling of any Local 715 funds and the affairs and transactions of Local 715. As noted above, information regarding the funds of Local 715 as well as its affairs have been the subject of materials on Local 521's website. In addition, all labor organizations are required to maintain financial records, and to file detailed annual reports with the Department of Labor. Thus, your objections are unfounded and the failure to produce is improper.





Bruce A. Harland  
July 1, 2008  
Page 3

Requests Nos. 15 and 16 request materials related to Local 715's website and Local 521's website. Obviously, your client retains information related to its own website, both historical and present, and that information is not prohibited from production by your unfounded objections. Further, information regarding Local 715 has been placed on Local 521's website and thus there has been communication between these two entities (including issues related to Local 715's funds). Thus, your client must amend its responses and produce all responsive documents to these requests.

Requests Nos. 19, 50-53 and 56 seek documents related to any servicing agreement between Local 715 and Local 1877 and the representation of associated employees. Again, there is ample evidence that Local 715 has entered into such servicing agreements and the failure to produce is unsupportable. If no responsive documents exist, then your client should state that fact. Otherwise, such materials must be produced.

Requests Nos. 20-21, 45, 48 and 49 relate to the Weinberg firm, Altshuler firm, or any other firm being appointed as counsel to Local 715 or associated employees. These requests specifically state that they are not seeking materials containing the advise of these firms – only those materials regarding the firms' retention. Obviously, these materials exist, go to the heart of the issue in this case, and are not privileged. Indeed, there are a number of documents that are known to exist and are related to these requests including correspondence between your client or your client's legal counsel and the Hospitals relating to whether these firms represented Local 715. Thus, your client has inappropriately failed to produce documents responsive to these requests. Moreover, if your client believes that these materials are protected by privilege, it must provide a privilege log identifying such documents.

Requests Nos. 28, 31, 34 and 37 seek materials relating to the Executive Board meetings and/or Special Executive Board meetings and budgets for your client between July 1, 2005 and June 9, 2007. These documents obviously exist and the time frame involved was specifically narrowed to the pertinent time frame related to this dispute. There is no basis to withhold such documentation and your client must amend its response and produce the documents.

#### **Responses Stating Objections and That There Are No Responsive Documents**

Your client has merely stated boilerplate objections to each request served by the Hospitals. This is inappropriate and does not accurately reflect materials known to be held by your client as noted previously. Thus, your client must amend its responses to eliminate such improper objections. Moreover, your client's statements that no responsive documents exists is questionable as follows.

Requests Nos. 4 and 6 seek materials regarding the issue of the status of Local 715 and the present or future representative capacity of SEIU-UHW regarding any employees of the Hospital from June 2005 to the present. As you know, Local 715 and UHW entered into a Servicing Agreement related to the Hospital's employees in this time frame which my clients rejected. However, it is indisputable that there has been correspondence regarding this turn of events. Thus,





Bruce A. Harland  
July 1, 2008  
Page 4

to say there are no responsive documents to the requests is unsupportable. Please amend this response and produce documents immediately.

Request Nos. 7 and 13 seek materials regarding communications between your client and Local 521 regarding the status of Local 715. Information regarding Local 715 has been available on Local 521's website. Thus, there are responsive documents to this request and your client's response is not supportable. Please amend this response and produce responsive materials immediately.

Similarly, Requests Nos. 14 and 17 concern materials regarding UHW's status in any capacity as representative of any employees of the Hospitals and the related receipt of funds from Local 715 and associated website references. As you know, UHW entered into a Servicing Agreement with Local 715 regarding employees of the Hospitals. While the Hospitals rejected this agreement, there are obviously responsive documents to this request given the existence of the agreement, the ongoing attempt to rely on it for representations of the Hospitals' employees, and the terms contained in the Agreement virtually requiring communications between the parties to the servicing agreement. Thus, your client must amend its response to this request and produce documents.

#### **Responses Stating Objections and Producing Minimal Documents**

For each of the requests where your client has produced minimal documents, you have also included the boilerplate objections previously referenced. We have addressed the impropriety of these objections previously and will not reiterate them here. However, we question the completeness of your client's production. Again, as no privilege log was provided, we do not know if any documents were withheld from production. Please provide such a log immediately.

Request No. 11 seeks materials regarding the institution of the trusteeship for Local 715. While you have produced the letter establishing the trusteeship, that document refers to other materials that led to the decision (*e.g.*, Mr. Stern states he "has received requests" and "reports"). These materials must be produced as well (including any email correspondence regarding the issue).

Request No. 12 seeks materials related to Local 715's website including all links, all references to the use of Local 715's funds and all versions of the website. Your client has produced hard copies of exactly nine (9) pages related to the website as currently configured. This is not a complete production – especially as it does not provide any electronic materials or historical information. Moreover, we know that Local 715's website has had links to other websites (including Local 521's) where information regarding its funds and dues have been posted. Your client's production is not complete and must be amended immediately.

Request No. 18 seeks all materials related to the Servicing Agreement between your client and UHW. Your client produced seven (7) pages of materials which essentially consist of the agreement and letters providing the agreement to Mr. Arnold. Your client's production does not



Bruce A. Harland  
July 1, 2008  
Page 5

include the Hospital's rejection of the agreement nor any materials (including emails) related to discussions/communications between UHW and Local 715 regarding such an agreement and why it was entered into by the parties, and the services provided by UHW pursuant thereto. Thus, your client's production is incomplete and must be amended.

Request No. 43 seeks materials regarding the assignment of any UHW employee to provide services to Local 715 relating to the representation of the Hospitals employees. Again, your client produced the same documents its produced to Request No. 18 (*i.e.*, the UHW Servicing Agreement). Your client's production does not include the Hospital's rejection of the agreement nor any materials (including emails) related to discussions/communications between UHW and Local 715 regarding representation and/or the identification of counsel. Thus, your client's production is incomplete and must be amended.

As noted, your client's responses to the pending requests for production and its minimal production is unsupported and inappropriate. Please confirm your client's agreement to amend its responses and produce responsive documents immediately. Given the deadlines in this case, your client's failure to do so this week will result in my clients having to file a motion to compel. We would prefer to resolve this issue without resort to the Court and look forward to receiving your client's immediate confirmation that it will amend its responses and production of documents.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eileen R. Ridley', with a long, sweeping flourish extending from the bottom right.

Eileen R. Ridley

**Inciardi, Scott P.**

---

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**Sent:** Tuesday, July 01, 2008 5:14 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions:

discovery was limited to whether or not Local 715 had standing to sue.

Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008.

However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

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**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:12 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrasment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to address the areas the Court permitted to be the subject of discovery - the existance of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of indivudals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

-----Original Message-----

**From:** Bruce Harland [mailto:bharland@unioncounsel.net]  
**Sent:** Tuesday, July 01, 2008 5:14 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further



delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address.

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Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008.

However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

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Sent: Tuesday, July 01, 2008 4:28 PM

To: Bruce Harland

Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy

Subject: RE: SEIU v. Stanford Cases

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Mr. Harland -

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Eileen



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From: Bruce Harland [bharland@unioncounsel.net]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

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**EXHIBIT M**

**Inciardi, Scott P.**

---

**From:** Ridley, Eileen R.  
**Sent:** Friday, June 27, 2008 4:59 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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*Eileen*

 INFO

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**Sent:** Wednesday, June 25, 2008 11:20 AM  
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**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
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*Eileen*

7/2/2008

**Inciardi, Scott P.**

---

**From:** Arnold, Laurence R.  
**Sent:** Monday, June 30, 2008 7:46 AM  
**To:** Ridley, Eileen R.; Inciardi, Scott P.  
**Subject:** FW: SEIU v. Stanford Cases

**From the Desk of:** Laurence R. Arnold

**FOLEY**

FOLEY & LARDNER LLP

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Why do I think this is just a way of waiting an additional day to say "no?"



-----Original Message-----

From: Bruce Harland [[bharland@unioncounsel.net](mailto:bharland@unioncounsel.net)]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
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Eileen,

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Bruce

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**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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Eileen

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**Inciardi, Scott P.**

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**From:** Ridley, Eileen R.  
**Sent:** Tuesday, July 01, 2008 9:12 PM  
**To:** 'Bruce Harland'  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrassment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to address the areas the Court permitted to be the subject of discovery - the existance of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of indivudals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

-----Original Message-----

**From:** Bruce Harland [mailto:bharland@unioncounsel.net]  
**Sent:** Tuesday, July 01, 2008 5:14 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further

delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address. Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions: discovery was limited to whether or not Local 715 had standing to sue. Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008. However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

-----Original Message-----

From: Ridley, Eileen R. [mailto:ERidley@foley.com]  
Sent: Tuesday, July 01, 2008 4:28 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

<[http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP](http://www.lettermark.net/emailhelp.asp?id=Foley%20&Lardner%20LLP)>

-----Original Message-----

From: Bruce Harland [bharland@unioncounsel.net]  
Sent: Monday, June 30, 2008 7:41 AM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]  
Sent: Fri 6/27/2008 4:59 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

Eileen

[http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP](http://www.lettermark.net/emailhelp.asp?id=Foley%20&Lardner%20LLP)>

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From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

Eileen

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**EXHIBIT N**



United States Government

NATIONAL LABOR RELATIONS  
BOARD

Region 32

1301 Clay Street, Room 300N  
Oakland, CA 94612-5224

FOLEY & LARDNER LLP  
RECEIVED

JUN 30 2008

Telephone: (510) 637-3300  
FAX: (510) 637-3315  
Website: [www.nlrb.gov](http://www.nlrb.gov)

June 27, 2008

Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091

**Re: Stanford Hospital  
32-CA-23873**

Dear Mr. Harland:

The Region has carefully considered your charge against Stanford Hospital, herein called the Employer, alleging that it violated the National Labor Relations Act, herein called the Act.

***Decision Not to Issue Complaint:*** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing the charge for the following reasons.

On April 25, 2008, you filed a charge alleging that the Employer violated Section 8(a)(1) and (5) of the Act when it refused to deal with representatives of the Union, in particular, with the assistant trustee appointed by the Trustee of the Union and with one of the Union shop stewards. However, as elaborated upon during the investigation, one of the central issues of the case is whether the Union ceased to exist and/or effectively disclaimed interest in the bargaining unit pursuant to the statewide merger of SEIU local unions. With respect to this issue, the Union has yet to provide critical information requested by the Region. Thus, by way of telephone call and letter on June 20, 2008, you were reminded that you still had not provided certain specified documents that you were required to provide by June 13 and that you subsequently agreed to provide on June 16. The June 20 letter also advised you that the Region was seeking the affidavit of Kristina Sermersheim and additional documents relating to the aforementioned issue by June 27. You did not respond to the Board Agent's June 20 telephone call or letter. Thereafter, on June 23, you were faxed a letter informing you of the specific additional documents that the Region was seeking, and you were informed that the investigating Board agent would immediately recommend that the charge be dismissed if you failed to contact her by 12:00 noon, June 25 to schedule the affidavit of Kristina Sermersheim and if you failed to provide all of the requested information by the June 27 deadline. Although you sent the Board

**Stanford Hospital**  
**32-CA-23873**  
**6/27/2008**  
**Page 2**

agent one of the requested documents via e-mail on June 25, you did not call her at any time that day to discuss why the other documents still have not been provided or to schedule Kristina Sermersheim's affidavit. When the Board agent left you a message to call her on June 26, you returned her call at the end of the day and left a message stating that you would not be able to provide the requested documents or Kristina Sermersheim by June 27, and you expressed doubts as to whether you would be able to provide the documents or Sermersheim by the end of the following week. In a letter dated April 28, 2008, shortly after you filed the instant charge, the Region informed you of the obligation to present evidence in support of the charge and advised you that the charge was subject to dismissal if you failed to submit evidence or contact the assigned agent. In view of this lack of full cooperation, I have determined that further proceedings are not warranted, and accordingly, I am dismissing the charge in this case.

***Your Right to Appeal:*** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the General Counsel of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14<sup>th</sup> Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the e-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at [www.nlr.gov](http://www.nlr.gov), under "E-GOV." Select "E-filing" and then click on "File an Appeal or Other Document" under the heading "General Counsel's Office of Appeals." The Website will contain detailed instructions on how to file an appeal electronically.

**Appeal Due Date:** The appeal must be received by the General Counsel in Washington, D.C. by the close of business at 5 p.m. EDT on July 11, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. EDT on July 11, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

***Extension of Time to File Appeal:*** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests



**Stanford Hospital**  
**32-CA-23873**  
**6/27/2008**  
**Page 3**

for extensions of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of the Appeal:** You should notify the other parties to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,



Alan B. Reichard  
Regional Director

Enclosure(s)

**Stanford Hospital**  
**32-CA-23873**  
**6/27/2008**  
**Page 4**

cc:      General Counsel, Office of Appeals      Laurie Quintel  
         National Labor Relations Board      Labor Relations Manager  
         1099 – 14<sup>th</sup> Street, N. W.      Stanford Hospital  
         Washington, D.C. 20570-0001      300 Pasteur Drive, MC 5513  
              Stanford, CA 94305-5513

         Ms. Judith Scott      Laurence Arnold, Esq.  
         General Counsel      Foley & Lardner  
         Service Employees International      One Maritime Plaza, 6th Floor  
         Union      San Francisco, CA 94111  
         1313 L ST NW  
         Washington, DC 20005-4110

         Myriam Escamilla  
         Service Employees International  
         Union, Local 715  
         42 Arguello Way  
         P.O. Box 19152  
         Stanford, CA 94305